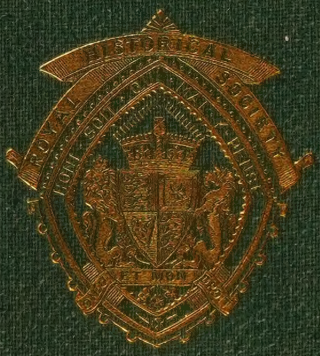
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CONTENTS

PAGE

THE EMBASSY OF WILLIAM HARBORNE TO CONSTANTINOPLE, 1583–8. By *H. G. Rawlinson, M.A., F.R.Hist.S.* . 1

YEAR BOOKS AND PLEA ROLLS AS SOURCES OF HISTORICAL INFORMATION. By *H. G. Richardson, M.A., B.Sc., F.R.Hist.S.* 28

THE POLITICAL THEORY OF THE INDIAN MUTINY. By *F. W. Buckler, M.A., F.R.Hist.S.* 71

THE INFLUENCE OF THE INDUSTRIAL REVOLUTION (1760–1790) ON THE DEMAND FOR PARLIAMENTARY REFORM. By *Gwen. Whale, B.A.* 101

PRACTICAL NOTES ON HISTORICAL RESEARCH. By *Sir Francis Piggott, M.A., LL.M., F.R.Hist.S.* 132

THE ORIGIN AND GROWTH OF THE OFFICE OF DEPUTY-LIEUTENANT. By *Gladys Scott Thomson, F.R.Hist.S.* . . . 150

THE ENGLISH ESTABLISHMENTS ON THE GOLD COAST IN THE SECOND HALF OF THE EIGHTEENTH CENTURY. By *Eveline C. Martin, M.A.* 167

INDEX 209

REPORT OF THE COUNCIL 219

LIST OF FELLOWS AND ASSOCIATED BODIES . . . 231

TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

THE EMBASSY OF WILLIAM HARBORNE TO CONSTANTINOPLE, 1583–8

By H. G. Rawlinson, M.A., F.R.Hist.S.

Read November 10, 1921

The Turkey Company, one of the many commercial ventures started during the reign of Elizabeth, was first organised in order to break the monopoly in Eastern commodities which had fallen into the hands of the Venetians, to the great detriment of English trade. The early history of the Turkey Company has already been submitted to detailed investigation, and need not be recapitulated here.[1] The object of the present paper is to throw some light upon an aspect of the subject which has hitherto received little attention, namely, the part played in the foundation of the Company by William Harborne, our first Ambassador to the Porte, but for whose courage and perseverance the whole enterprise must have fallen to the ground. His services to the Turkey Company may be compared to those of Sir Thomas Roe to the East India Company; but whereas the journals and diaries of the latter have been worthily edited, those of Harborne remain almost entirely unknown.[2] Harborne,

[1] M. Epstein, *Early History of the Levant Company* (1908); H. G. Rossdale, *Q. Elizabeth and the Levant Company* (1904).

[2] The only account of which the writer is aware is the article in the *Dictionary of National Biography*, viii, 1200–1, which has been supplemented by this Paper.

during his six years at Constantinople, kept up a close correspondence with Lord Burleigh, Sir Francis Walsingham and Mr. Secretary Davison. He was a voluminous but not an elegant letter-writer: his style is so cumbrous and involved that at times it is difficult to understand exactly what he means, and one is tempted to wish that he had written in Latin. He was, however, a man of singularly penetrating and far-sighted views, and his advice upon the trade and policy of the Levant was welcomed by the acute statesmen who directed Queen Elizabeth's government. His letters and memoranda furnish a mass of information upon affairs at Constantinople, the intrigues of the French, Spanish and Venetians against what they considered to be the intrusion of the English, and the interesting question of the relations between the Company and the Crown. A few documents of Harborne's, relating chiefly to his journeys to and from Constantinople and his experiences when there, have found their way into Hakluyt's *Voyages*; the bulk of them, however, remain unprinted. They are to be found in Foreign State Papers, Turkey, Bundle I, in the Public Record Office; the Burleigh MSS. in the Lansdowne Collection, and the Harleian Collection, both in the British Museum; and the Tanner MSS. in the Bodleian Library. One of the main sources of the Tanner Collection is the Hobart family papers; and the presence of a private letter from Harborne to Sir John Hobart, dated 1605, seems to suggest that Harborne's letters came into Tanner's possession as part of these. The principal headings in Hackman's Catalogue [1] are as follows:

"(i) Draughts of sundry letters from William Harborne to Mr. Secretary Davison, giving an account of affairs in the East, 1587. (MS. Tanner 79, fol. 100, *et passim*.)

(ii) Draughts of various letters and papers written by him during his embassy at Constantinople. (MS. 78, fol. 133 *et seqq*.)

(iii) Sundry papers concerning the services done by him during his travels in Turkey. (MS. 77, fol. 1–9.)"

[1] *Catalogi codicum manuscriptorum Bibliothecæ Bodleianæ pars quarta*. Ed. Alfred Hackman, index p. 950.

D.N.B. 1572. Bailiff at

Harborne was born at Yarmouth in 1572, and like Sir Thomas Roe, served his apprenticeship in public affairs as a Member of Parliament. At this time trade with the Levant, which early in the sixteenth century had been started by the Gonson family, had dwindled away until it was "in manner quite forgotten." This effort to revive it was due, in the words of Hakluyt, to "the discreet and worthy citizens Sir Edward Osborne and M. Richard Staper,[1] seriously considering what benefit might grow to the commonwealth by renewing the aforesaid discontinued trade, to the enlarging of Her Majesty's customs, the furthering of navigation, the venting of diverse general commodities of this realm, and the enriching of the City of London." The initial step was obviously to send an envoy to Constantinople in order to come to terms with the Sultan: for this purpose, as Walsingham pointed out in his *Consideration of the Trade into Turkey*,[2] "the first thing that is to be done . . . is to make choice of some apt man to be sent with her majesty's letters unto the Turks to procure an ample safe conduct, who is always to remain there at the charge of the merchants . . . whose repair thither is to be handled with great secrecy, and his voyage to be performed rather by land than by sea, for that otherwise the Italians that are here will seek underhand that he may be disgraced at his repair thither. . . ." Acting on this advice, Osborne selected Harborne, who was already his factor, for the mission. A preliminary precaution had to be undertaken, and before Harborne started, John Wright and Joseph Clements were sent to Constantinople to obtain for him a safe-conduct.[3]

[1] Edward Osborne (1530–1602) was Lord Mayor of London 1583 and M.P. for London 1586. Richard Staper is justly described on his monument in St. Helens, Bishopsgate, as "The greatest merchant in his tyme; the chiefest actor in discovere of the trades of Turkey and East India." They were the pioneers of English commerce in the reign of Elizabeth, and despatched Ralph Fitch and his companions on the epoch-making mission to Akbar (1583).

[2] *S.P.D. Eliz.* 144, No. 70. Given in Epstein, *op. cit.* Appendix viii, 2.

[3] Hakluyt, *Voyages*, ed. Maclehose, Glasgow, 1903, vol. v, 168.

The following undated document, found among the Lansdowne MSS.,[1] probably states, *inter alia*, the terms obtained from the Sultan on this occasion :

Articles for Capitulations with the Gd Signior of Turkey to be specified in her Majesty's letters and referred to her Ambassador and Nuncio.

1. That her Majesty shall still have free liberty to make wars and take peace with all princes Christian.

2. That her Majesty's Ambassador have as great allowances as have the best of other princes Christian.

3. That her Majesty's Ambassador may remain there five years, without change, if her Majesty please, and at his departure may leave an agent there for 3 years.

4. That her Majesty's Ambassador, with her Nuncio, be admitted with XII gentlemen to the presence of the Grand Signior at delivering of her Majesty's present and at departure of her ambassador out of that country.

5. That her Majesty's own ships may be free of all taxes and customs in all his dominions.

6. That her merchants and people, and their goods may freely go in and come out at their will paying the customs that shall be agreed upon.

7. That her merchants and their goods be free from all customs and taxes, during H.M.'s wars with Spain.

8. That her merchants and people in causes of justice may appeal to himself, from all his Justices and Governors of his Dominions.

9. That her Majesty have licence to bring out thence such things as are requisite for her service, though they be Contraband.

This having been satisfactorily settled, Harborne, with Clements as his servant and guide, set out from London in July, 1578, and travelling overland, reached his destination on October 28. On his arrival, he "behaved himself so wisely and discreetly, that within few months after, he obtained not only the Great Turk's large and ample privileges for himself and the worshipful persons aforesaid, but also procured his honourable and friendly letters unto Her Majesty."[2] The subsequent negotiations between the

[1] 112, No. 26. [2] Hakluyt, v, 221.

Sultan Murad III and Elizabeth are given in full in Hakluyt and need not be recapitulated here. In June, 1580, Harborne succeeded in procuring a *farman* securing the full rights and privileges of Englishmen trading in all parts of the Turkish Empire.[1] The chief items were as follows :

(1) British subjects, their vessels and goods, to be free to come and go without hindrance in all parts of Turkey.

(2) If any Englishman is arrested when travelling in any part of Turkey, he is to be released at once.

(3) Ships arriving at Turkish ports are to be allowed to come and depart without hindrance ; they shall be allowed to load and unload goods : if in want of food or water, or in distress, they are to receive every assistance from local authorities.

(4) If any Englishman dies in Turkey, his will is to be carried out : if he dies intestate, his estate is to be disposed of by the Consul of his nation.

(5) In the case of legal disputes, the evidence is to be carefully taken down in the presence of a qualified Judge.

(6) Any slave found to be a British subject is to be released.

(7) No Englishman shall pay poll-tax.

(8) The English are to be at liberty to appoint consuls and establish factories at Aleppo, Damascus, Tunis, Tripoli and other Turkish ports.

(9) Disputes between Englishmen and Turks are to be settled in the presence of an interpreter : disputes among the English themselves by their consul.

Walsingham was right, however, in supposing that this would meet with strenuous opposition from our rivals. The French King was convinced that " not commerce, but some deeper design, was at the root of the Queen's action." [2] His surmise was correct. Queen Elizabeth regarded Harborne first and foremost as her ambassador, though she made the Company pay his salary. She had already formed the plan, afterwards unsuccessfully renewed in 1587, of an alliance with Turkey against the " idolatries " of the King of Spain. She hints at this in the preamble of her letters

[1] *Ibid.*, p. 178.

[2] *Catalogue of State Papers, Venice*, by H. F. Brown, vol. iii, p. 30, Introd.

to the Sultan, in which she describes herself as "the most invincible and most mighty defender of the Christian faith against all kinds of idolatries of all that live among the Christians and profess the name of Christ." [1] She defrayed the expenses of Harborne's first voyage, amounting to 1,500 ducats. Harborne returned to England on the completion of his task, but in his absence M. de Germigny, the French Ambassador, intrigued so successfully that he induced the Sultan to cancel his *farman*. Harborne again went to Constantinople, but could effect nothing. The Company had anticipated this. In an undated letter to the Privy Council,[2] they point out that it is necessary to have something more than a mere envoy at the Porte, if their interests are to be effectually safeguarded: "Her majesty promises by her letters to send thither her ambassador to gratify his goodwill and confirm the same, whose presence accordingly is hourly expected, which except it be speedily performed (for that the Grand Signior will otherwise think himself deluded) . . . may offer him occasion to repeal the said Charter and also make frustrate our private licence. . . ." Accordingly, it was decided to send Harborne back to Constantinople as Elizabeth's ambassador, with power over all British subjects trading in Turkey, and authority to enact laws and appoint consuls. On June 9, 1581, Harborne writes to the Lord Treasurer as follows:

"I perceive myself your Lordship to have been informed . . . of my proceeding here . . . and the fruit of my labour, namely in attaining this great lord his charter, for free intercourse of traffic into all parts of his dominions by Her Majesty's subjects in so ample a manner as to pass that of any other Christian Prince whatsoever. Which thing (denied to sundry others with so great expense procuring it by their Ambassador, as some of our nation present can testify) God (I hope to His glory and the

[1] Even Charles II describes himself as "Defender of the Christian Faith against those that worship Idolls and Images." (Sir John Finch to the Kaimakam at Constantinople, May, 1674.)

[2] Turkey Papers, Bdle I. Given in Epstein, *op. cit.* Appendix viii, I.

benefit of Her Majesty's kingdom) hath wrought by me above my expectation." [1]

On September 11, Queen Elizabeth issued letters patent to Sir Edward Osborne and other merchants to trade with Turkey for twelve years, and the Turkey Company was formally constituted. Harborne received his patent on November 20, and sailed for Constantinople by the "Susan," the first vessel despatched by the new Company, leaving Cowes on January 14, 1583. The voyage was not without adventures.[2] When the "Susan" put into Majorca harbour, the Spanish Governor, warned of Harborne's mission, tried to lure him ashore and capture him, and failing that, mounted guns to prevent the vessel from leaving port. However, she managed to slip away unharmed, and cast anchor off the Golden Horn on March 29. Harborne carried letters to Ali Pasha, the High Admiral, and the Sultan. These he presented on May 3. Negotiations at an Oriental Court were impossible without handsome presents, as Sir Thomas Rowe, profiting by his own experiences at Constantinople, afterwards warned the East India Company to remember when dealing with Jāhangīr at Agra. The value of the gifts in the present case was £1,018. An amusing account of the proceedings is given by Hakluyt from contemporary sources.

Harborne on landing presented the "Grand Turke" with bales of cloth and holland, and sundry pieces of plate, including "two poppinjayes of silver, the one with two heads," "three faire mastifs in coates of redde cloth, three spaniels, two bloodhounds, one common hunting hounde, two greyhounds, two little dogges in coats of silke [3]: one clocke valued at five hundred pounds sterling: over it was a forrest with trees of silver, among which were deere chased with dogs, and men on horseback following, men drawing of water, others carrying mine oare on barrows:

[1] Harleian MSS. 6993, No. 2. [2] Hakluyt, *loc. cit.*

[3] The money expended on the dogs "with their provision for sea and other things for their cost," was £26. *S.P.D. Turkey*, Bdle I.

on the toppe of the clocke stood a castle and on the castle a mill." The Sultan entertained the party at a sumptuous feast, with "Rice diversly dressed, fritters of the finest fashion and dishes daintily dight with pritty pappe." The meal was eaten in oriental fashion, sitting on the floor, and the drink, consisting of "Rose water and Sugar and spices brewed together," was served from bags carried on the servant's back, like the *masak* of the Indian *bhisti*. Among the sights of the Court was a "prophet of Mahomet" (no doubt a dancing dervish) "in the manner of a foole," who was dressed in fantastic clothes and "cried Hough very hollowly." After dinner, the dishes were cleared away by certain people called Moglans, "like those of the Blacke guard in the Court of England," who behaved "like rude and ravening Mastifs." Harborne was then conducted into the Presence, where "the great Turke sat sumptuously alone," and made his obeisance. He was graciously received.

Harborne's success was very striking. The cancelled treaty was renewed, much to the chagrin of M. de Germigny and his Venetian and Spanish colleagues. Many new concessions were obtained for the members of the Company. His own impressions are reflected in his correspondence. Writing to the Queen on January 15, 1583–4, he says, "For that the Grand Signior and his vizier expect with the next ships answer of their letters sent to Her Sacred Majesty . . . by the 'Susan' of London, it may please your Highness of the same to give him thanks generally of our honourable entertainment, particularly both for his liberality to her subjects, merchants here resident, in the release of two in the hundred custom to them . . . and also for the delivery of captives, freed *gratis* at our request." [1]

To the Lord Treasurer, on May 12, 1584, he writes as follows:

"The Grand Signior most gratefully accepted and highly esteemed the present made him in Her Majesty's name, commanding the Viceroy especially to favour our proceedings, who contrary-

[1] *S.P.F. Turkey*, Bdle I.

wise complained secretly at his as not sufficient. We suppose his hollow heart, filled up with the Venetian their gold, is in such sort putrified, as we expect at the best, nought else but forced favour of him, unless we should drive out one nail with another, which in some respects we accompt over hard for us, notwithstanding hereafter Cerberus must have his sop for a time to stop barking." [1]

Harborne now established his official residence at Rapamat, near Pera, and turned his energies to the organisation of the Company's affairs. Henry Millers was appointed Consul in charge of Alexandria, Cairo and other places in Egypt. Richard Forster was sent out in a similar position to Tripolis in Syria, a great *emporium* for trade with Asia Minor, with jurisdiction over Aleppo, Damascus, Aman and Jerusalem, the commercial possibilities of which had been explored by Anthony Jenkinson in 1553. Hakluyt has preserved some of the quaint instructions which Harborne issued to the latter. On his arrival, he is to pretend that he is "crazed" with his long journey, in order to gain time to receive the Turkish officials with becoming dignity. He is to take the greatest care that he shall be treated with the same courtesy and distinction as is accorded to the Venetians and French and he is to keep a wary eye on these "subtile, malicious and dissembling people." If in trouble, he is to "call for God's divine assistance." He is to treat all "outlopers" with the greatest severity. Their officers are to be imprisoned, and the remainder expelled the country. He is to run the business of the Company economically, and "carefully to foresee the charge of the House, that the same may be in all honest measure to the Company's profit and your own health through moderation in diet."

Harborne had soon an opportunity of showing that his presence in Constantinople was of practical value to members of the Company. This was the brutal seizure, in defiance of the treaty, of the Company's vessel the "Jesus." She was

[1] Lansdowne MSS. 42. *Art.* 15.

a ship of 100 tons, chartered by Osborne and Staper to go to Tripolis in Barbary for a cargo of sweet oil. When she was on the point of sailing, a merchant-factor named Romaine Sonnings, smuggled on board the vessel a friend of his named Patrone Novado, who owed a Turkish merchant 450 crowns. This came to the notice of the governor, who ordered the harbour batteries to open fire on the "Jesus" and cripple her. She was then boarded, her crew made prisoners and her cargo confiscated. The master, Andrew Dyer, was brutally hanged, as well as Sonnings, the real culprit. The rest of the crew were turned into galley-salves. For a long time the fate of the "Jesus" was wrapped in mystery, until one of the prisoners contrived to smuggle home a letter to his father at Tavistock in Devon. Intense indignation was aroused at this flagrant breach of the Capitulations. Osborne brought the case before the Queen, who herself wrote to the Sultan. Harborne took vigorous action and sent Edward Barton with a strongly-worded letter to the Bey of Tripolis. "You shall answer in another world to God alone, and in this world to the Grand Signior, for this heinous crime committed by you against so many poor souls, which by your cruelty are in part dead, and in part detained by you in most miserable captivity." As a result of his action, the surviving captives were liberated and full restitution was made. This was a great diplomatic triumph for Harborne, who thereupon appointed one Tipton as British Consul at Algiers, Tunis and Tripolis, to prevent a recurrence of these abuses.

Not only was the Ambassador useful in safeguarding the liberties of British subjects in the East, but he was also of great use in counteracting intrigues of foreign nations at the Porte. He "twice repulsed the King of Spain's ambassador sent to obtain a truce of the Grand Seignior."[1] Harborne himself writes from Constantinople, May 12, 1584:

"The French and Venetian have to the uttermost opposed themselves against us, but their malice contraried, the Venetian

[1] *S.P.D. Eliz.* 232, No. 54.

denieth such his proceedings, and dissembling pretendeth friendship, having personally visited us, and the French now reporteth it was only for prerogative . . . according to His Majesty's order and hopeth upon receipt of his second letters to renew former amitie, but as they intend to expel their venom, when occasion . . . through some sinister chance (which God defend) may happen, so the doubt thereof will cause us ever have them justly for suspected. . . ." [1]

Again, on June 11 : [2]

" . . . We rest (thank God) presently in equal degree everyway with the French as our former affirmeth, and also, if we may credit the common fame and the better sort, with more favour of the Grand Signior, though his Viceroy be much addicted to his and the Venetian their devotion, yet notwithstanding, neither the countenance of the one or the great liberality of the other, wherewith in most matters he prevaileth, hath hitherto (God be praised) been of force to harm us anyway, not doubting but with time to use the expedient required to attire the said Viceroy unto us. . . . Outwardly the Venetian hath and doth use many Spanish compliments tending to courtesy, offering both generally and particularly by commandment his service as he said, of the Signiorie, especially in the sure conveying of any packet of letters, etc. So if we were not truly informed of his secret proceedings otherwise, whereof burden he utterly denieth, we had cause more than sufficient in thinking well of him . . . but as his leaves be fair words and his fruit foul deeds, so accordingly we esteem the tree." [3]

Harborne's position at Constantinople, however, was ambiguous and unsatisfactory. He was at the same time the Company's Agent and the Queen's Ambassador : and Elizabeth, while employing him in the latter capacity, with her usual parsimony left the Company to pay him, contributing nothing herself towards his expenses. For this reason, somewhat like the early envoys of the East India Company, he was in danger of losing the influence he had acquired with the Sultan, and was " disgraced " by his rivals, who never lost a chance of lowering his prestige, as a " stipendiary of the merchants."

[1] Lansdowne MSS. 42. *Art.* 15. [2] *Ibid.* [3] *Ibid.*

Harborne's salary was, moreover, irregularly remitted, and according to his account, insufficient for his position. On the other hand, the Company, which was now reduced to the verge of bankruptcy by the unfair competition of the rival Venice Company, thought that he was an unnecessary expense, which should properly be borne by Government, and petitioned for his recall. It should be remembered that according to the sixteenth century standard, Harborne was not badly off. At Constantinople, it was possible to buy bread enough for three meals for a halfpenny, and sufficient mutton for a robust man for about the same sum, a pheasant for fivepence, and a brace of partridges for twopence halfpenny.[1] A century later, the East India Company paid to its President at Surat only £500 a year, factors £300 to £100, Surgeons £50, and writers or apprentices £10.[2] But the subject was a perennial grievance to Harborne, to which he continually reverts. In the memorandum entitled *Ten years of foreign travel,* in the Lansdowne MSS.,[3] he writes:

> In recompense . . . to this present I have only received for those six years I was employed for her Majesty £1200 whereof they sent me in clothes for my private account as also I took by exchange upon them during my residence eighteen hundred ducats, which is six hundred pound sterling, and the same for the advancement of Her Majesty's greatness according to my place. I spent at Constantinople and coming overland more than ever I charged to account. And whereas for the first four years I was to have had the quarter part of the expected profit and Sir Edward Osborn and Mr. Star the rest in respect of their charge, the same contrary to expectation falling out to loss by robberies by land and shipwreck by sea, the charges of Sir Edward and Mr. Star was restored them by such as after were admitted to be traders but no recompense made to me for those four years travail. So as for my great cares and travail of mind and body during the term of ten years spent in the best of my

[1] Abbot, *Under the Turk in Constantinople,* p. 57, *n.* 2.
[2] The author's *British Beginnings in Western India,* chap. ix, *passim.*
[3] No. 57. *Art.* 23, para. 6.

life I have received de clarc of this Company six hundred pounds.

Again, in the Tanner MSS. occurs the following document : [1]

I Proceeded on the Jornie to Constantinoble in A° 1578 and cam hether w^th^ the Preveledge in an°. 1582, and the same yeare was sent thether againe, to establishe the trade, whence I retorned in An° 1588, soe as my travell continued x yeare, ffor w^ch^ I have received at my last retorne twelve hondrethe pounds, whereof I disbursed there (more then I ever charged to accompt) in thadvancement of hir mag^ties^ service according to my place xviiij^c^ duckette, being vj^c.li^ ster. ; and on the waye retorning home through Poweland and oth^r^ contries ffowre score eleven Pounds : so resteth to me for my said tenn years travell about v^c.li^. whereas Thagent of Moscovie hath of that companie presentlie for three yeare Stipend one thousand poundes, aft^r^ w^ch^ rate I should have iii^as.^ cccxxx.^li^ neyth^r^ dothe he incurr anie waye soe great dangers of boddie or travell of speritt (conversing w^th^ Christiens in a long continued traficq,) as I, whoe have not onlie bin subiect to the spightfull malice of the Christien ambassato^rs^ genneralie opposing them selves against my ꝓceedingꝭ, sum̃ ffor prerogative of theire m^rs^ dignitie, other for nondecreasing of their contries Comon Wealthe ; and jointlie togethre ; ffor contrarietie of religion and to favo^r^ the spaniard his greatnes : But also to the p^r^verse condicõn of thoes turquishe infidellꝭ w^th^ whome forcedlie so long I was Conversante p^r^fectlie to finishe this trade now firmlie establisshed : w^th^ other X̃tieñ princes (not w^th^standing theire great expencē) could not obteine. And ffurth^er^more I procured of the gran sig^cr^ his especiall Comandm^t^, that whereas his propp^r^e subiectꝭ and all oth^r^ nacons doe paie him for Custome ffyve vppon everie hundreth, wee alone doe aunswere but three vppon the hundreth, by w^ch^ the traders have alredie ꝓffited by three shipps sent theth^r^ iii Cł of w^ch^ is xi^c.li^ str ; and are continuallie to reape that benefitt, & more ov^r^ whereas the gran. s. gave me ccc duckettꝭ at my dep^r^t^e^ I have put the sume to the said trad^e^ꝭ theire accompt & converted noe porccon to my privat vse. Soe as hereby thei have benefitted alredie xijc^li^ to equall y^e^ some thei have paied me.

Yet another note from the same source runs as follows : [2]

[1] 77, fol. 1. [2] *Ibid.*, fol. 5.

The Companie were by agreem[t]: to have allowed thambassator, after 200[li]. the yeare, 1200[li] ffor vi yeares he staied in that contrie whereof—

They paide oute for him and by his order onelie 400[li]. The overplvs remayned in theire Handes vnto his retorne w[th]out any proffett allowed him therefore: Notw[th]standinge that he is charged for his parte of thintereste of the monie ffrom time to tyme taken vpp in the gennerall accompte and therefore oughte at the leaste to be allowed by them thinterest of vii[c.li], which if they had wanted, they mvste have taken vpp the same, as they did the overplus.

The said Ambassato[r] made of certaine clothes carred w[th] him by the companie there licence - 240476 & more received ffor a Cloche w[ch] he sovlde, 5640 [w[ch]] all amounteth to	500 du[o]
More was made of 5 clothes y[e] comp: sent for his accompt	500 du[o]
Moer he tooke vpp per exchainge by waie of Venice w[ch] the companie have charged to his accompte	800 du[o]
	1850 - d[o]

W[ch] some of 1850 du[o] he spente there moer then he charged to the said companie theire accompte and comynge home over lande thoroughe powlande more then was charged in thacco[t] of the voiadge £91 18. 6*d*.

[In another hand, almost illegible:—]

pceedings were taken vpp by the . . . phil. ngs geyne & paid hereby in staple.

An interesting document in the Lansdowne MSS.[1] sums up the actual receipts and expenditure incurred by Harborne during his term of office:

[1] Vol. 61, No. 32.

Charges of Mr. William Harborne, Her Majesty's Ambassador at Constantinople and those attending on him from 1582 that he went on the voyage till his return again to London which was in December, 1588, viz. :—

	£	s.	d.
Charges of Diet and Housekeeping . .	4496	5	3
Servants' Wages. .	1372	13	7
Rents & Reparations of Houses . . .	455	8	0
Dragomen's Wages .	1028	3	2
Household Stuff in Pera	362	18	4
Janissaries' Wages .	323	5	8
Charges of the Stable	607	13	6
Apparel for the Ambassador . . .	1028	6	9
Charges at the Turks' Court	2683	0	6
Presents given . .	1442	0	5
Charge of the Ambassador's sickness .	162	19	8
Clothes and presents delivered him . .	175	0	4
Captives redeemed in all places . . .	1203	13	0
Sum Total	£15341	8	2

29 Aug. 1589.

Toward which charges here against the Emperor His Majesty did allow & pay to Mr. Wm. Harborne, Her Majesty's ambassador at Constantinople as follows :—

	£	s.	d.
Received by the Ambassador the allowance of the Emperor in the time of his being in Constantinople . .	2094	14	0
The rest of his charges there was paid by the Company is . . .	13246	14	2
Sum Total	£15341	8	2

	£	s.	d.
The rest of the Ambassador his charges, paid by the merchants at Constantinople as above .	13246	14	2
More for his charge home from C'ple to London & those in his company .	1103	15	0
And more that is paid to the said Mr. Wm. Harborne for his salary . . .	1230	17	6
	£15581	6	8

Harborne was on the whole thoroughly dissatisfied with his position and anxious to be released. He was, however,

anxious that the post of Ambassador should be retained, and the structure he had so laboriously built up should not fall to the ground. On February 17, 1588–9, he writes as follows to the Privy Council :—

"Some of the chief trading Turkey, right honourable, had conference with me this day for retorne of the agent from Constantinople, whereby they might be unburthened of his great charge and so end the traffic. I wished them first better to weigh how hardly and with what great travail I obtained it, and the rather for that so many and great were their enemies contrarying the same, as it were once given over, could not hereafter be recovered with any charges or by other means whatsoever, which if it should accordingly succeed would not little grieve me, having carefully spent ten years of my best age to so vain effect, remaining frustrate of the good conceived hope that the traffic during the difference with Spain might incur for vent of our own contrie commodity in this so hard and dead time, and the same should so much the more increase my said grief, by how much her Majesty's enemies in those parts shall be eased of their exceeding jealousy and fear which I am fully assured they have hitherto conceived in the residence of any one there for Her Majesty. A marvellous eyesore to such suspicions, which I perceive no way to be maintained other than at Her Majesty's charge, except all and whatsoever intercourse into the Straits might be comprehended within our privilege to supply so great a charge by a greater stock than accustomed, both for the more profit and also security thereof, otherwise open to the captivity of infidels and many other dangers at large, to be certified to your honour more largely after my return. In the meantime, this much I thought it my duty to impart to your Honour, lest Her Majesty's letters for repeal of the said Agent should before my return be granted them or else the Venice Company procure the dismemberment of this joint traffic by renewing their former patent." [1]

A similar opinion is expressed in an undated memorandum (probably 1587–8),[2] entitled *The sundry harms ensuing to the realm if the amitie with the Great Turk by reclaiming of the Agent should be given over, without whose*

[1] *S.P.F. Turkey*, Bdle I, No. 60. [2] *Ibid.*

residence in that Court there can be neither friendship nor intercourse. It runs as follows:

(1) *Imprimis*, the loss of divers ships of Her Majesty's subjects which yearly will be captured as well within as on this side of the Straits, which former times have verified, whose ransomes have cost this realm great sums of money and yet divers by their torture and extreme dealing forced to turn Turk, whereof some made excuses, to the shipwreck of their bodies and souls.

(2) *Item*, the loss of divers ships taken and sunk with their whole lading, of no small value and likely to increase, for that the Turks at this present be more expert in their piracies than ever heretofore, for then they did not use to go out of Algiers . . . till the month of May, whereas now they go out in January, . . . (being enemies) they will cut off our whole trade into the Straits, which at this present not only we have thither, but also owners of ships and mariners by strangers which do freight English ships. . . .

(3) *Item*, Her Majesty shall lose much by the customs and duties which generally the trade into the Straits do pay her, which shall be well approved to have been in some one year, ten thousand pounds at the least,[1] for the Turkey Company have paid for one ship six and twenty hundred pounds, a great part of which commodities were transported hence into other countries, whereby in effect this realm of late years hath served as the only staple to and for other countries as formerly Antwerp did, to the great commodity and setting awork of our people, both for the unlading, relading and transporting thereof.

(4) *Item*, for the voyages into the Straits there be above thirty tall ships builded of late, and if the said trade do surcease, the owners might be suitors to Her Majesty to buy them or otherwise crave leave to sell them out of the realm, for other trade there is none for them. . . .

(5) The commodities Vented within the Straits be all sorts of clothes and kersies dyed and dressed to the best proof, tin, lead, silk, spices, drugs, currants, wines of Candia, cotton-wool and yarn, grograms . . . and divers other things, and now that the peace is made between the Turk and the Persian, there will

[1] In the five years 1583–8, the Levant Co. paid £11,359 6*s*. in customs dues. *S.P.D. Eliz.* 233–13. No wonder they had petitioned "to be discharged for the yearly sum of £500 in consideration of the Agent his great charges." *S.P.F. Turkey*, Bdle I.

be much more vent of other said commodities. And where it may be objected that the Venetian will fetch away from us the said commodities, if we vent them not, it will prove contrary, for the Spanish wool usually brought out of Spain into Flanders and there dressed is now carried over to Alicante, a port of Spain within the Straits, and from thence transported into Italy, Venice and those parts, where it is dressed, and whereof in Venice they make so much cloth that the clothiers and drapers of that city did offer at Constantinople to the Viceroy and by other Bashas thirty thousand chequins, which is above ten thousand pounds sterling. . . .

(6) *Item*, experience hath verified that the Venetians, to cut off our ancient trade into the Straits in the time of King Henry VII, did set an impost of four ducats upon every butt of wine which our nation should lade in their port, for obviating of which discommodity it pleased the King in the seventh year of his reign by act of parliament to set an impost of 18*s*. upon every butt they should bring hither, to continue so long and no longer than theirs did ; [1] which therefore presently they surceased and yet not withstanding for so much as after that the Turk took Scio and other lands within the Archipelago, he drove our nation clean from the said trade, so as for thirty years and more the same was wholly left off and no English ship durst pass into the Straits till that of late the same hath been removed again and increased much more than ever it was before. And now the said Venetians have set a greater imposition upon English ships lading in their ports, but none upon themselves, so that if the English merchants should pay the same both here and there, the Venetians should bring all their commodities hither a third penny better cheap than we, to their great commodity and the increase of their ships.

(7) *Item*, if this amitie with the Turk, being dissolved, might again upon the discommodities be removed, the proof might be hazarded with little peril, but for so much as it is most certain that it will not, both for the displeasure he himself in particular will have by calling home the Agent, who is thought of him to be only maintained by Her Majesty, and that rather for causes of estate than of traffic, for which he hath himself out of his own coffers [paid . . .] pounds per year, which he would not do if he knew the contrary, as also for the profit which will ensue to the Viceroy and Bashas by the Venetians, French and

[1] Cf. *Statutes of the Realm*, 7 Hen. VII, Cap. 7, preamble.

other Christian traders thither, who will offer great rewards to keep us out, and in like manner the Admiral, for his duty of the tenth part of all prizes of the spoil of our ships and men.

(8) *Item*, the great charges that have been defrayed by the traders into Turkey, finding out and continuing the said trade unto this day, namely; the first present, the charge of the Ambassador, and placing of consuls in Scio, Patras, Tripoli, Aleppo, Alexandria and Algier, which may amount to above thirty thousand pounds sterling . . . which is utterly lost if the same trade be given over.

(9) *Item*, the trade into Turkey is had in great price with all nations, especially the Venetian, and French King who . . . maintaineth an ambassador at Constantinople at his own cost and charge, and both the Spaniard and Florentine have sought the same with great charge and could never to this day obtain it.

(10) *Item* lastly it would be much marvelled at of all nations that we, such trade being so profitable, . . . should so suddenly give over the same, which will be thought to be either lost for fear of the Spaniards or else that Her Majesty doth it in respect of the charge of her Agent there, and so diversely spoken of that other nations may consider the great commodity that this realm enjoyeth by the said Amitie, especially in that we are favoured in Turkey more than any other nation whatsoever, nevertheless according to our duties we content ourselves with Her Majesty's determination . . . and so craving pardon do thereunto humbly submit ourselves.

In 1588 Harborne retired and was succeeded by Edward Barton. Of his journey home, via Dantzig, he wrote an account which will be found in the pages of Hakluyt. Soon after his return he published an account of his mission to Constantinople and its results, which is important enough to deserve reproducing in full:[1]

William Harborn his seruice to her Magestie and Commons, in his tenn yeares forrayne travell and residence att Constantinoble; herevnder specefied.

1. Imprimis the great honnor observed to her Mag^tie^ by the Gran Sig^or^, in his first heroijcall letters procured by me, inuiting her to ffrendshipp.

2. Thobteyning of his gennerall priueledge, in soe ample

[1] Tanner MSS. 77, fol. 8.

manner, as ever formerlie graunted to anie christians, wthowt chardge to her Mag^{tie}.

3. The greatnes of her Mag^{tie} not heretofore in anie sorte knowen, now gennerally admired in thoes parts, butt especiallie for her sex.

In thees three Articles mayc Appere, the great regarde and dutifull respecte I caried in all my proceedings to her Magesties greatnes, w^{ch} caused the Gran Sig^{or} althoughe of his owne nature a most haughtie proude pagan prince, admiring the same, in submise and most Curteous manner, by letters to crave her Amitie, nottwthstanding that he soe well as his predecessors (in his owne regarde) lightlie esteemed all other Christian princes, eyther ever did the like to anie of them, And noe lesse is Alsoe to be considered, the difficulltie of this highe cause, handled by me then A private parson, uncomended from his soveraigne and vnassisted of ffrends and Cownsell, nott daring trust anie Christian herein, whereas to the contrarie I mighte wth great reason have bin discorradged from thoes hard attempts, seeing att that instant the Florentine Ambassador, Gio fillaccio, spending the name, creeditt, and wealthe of the great duke his m^{r} to the like effeckt reiected, as noe less foreseeing that I shoulde bee (as indeed I was) wthstood by the cheife publicq ministers there resident for the christian princes, as of the ffrenshe for non deminishing of his m^{r} his greatnes, wherevnto itt was ever formerlie supposed (as the saide ffrenshe falslie gave to vnderstand) her Mag^{tie} and Dominions to be subiect, partlie confirmed in that all Inglishe Travellers thether, durst not butt vnder the ffrenshe protexcõn affirme to be ffrenshe, by the Venetien and Ragusien, for that they hauing thonlie trade of the Leuant seas, reaped in thoes turquishe dominions the benefitt of our Inglishe comodities, vented in that countrie for returne of turkie and Leuant wares, w^{ch} in England they raised to extreem prises, soe noe lesse att their pleasuers abated the prises of owr saide native comodities, inriching in manifoulde manner themselves and their navie, and impoverishing vs and owr shipping; wherefore they wieslie foreseeing the comon harme w^{ch} this Inglishe intercourse shoulde inferr, joyned their wills, witts and wealths, wth the ffrenshe his couradge and countenance to wthstande the same; Asscocyated wth themperor his Ambassador for Alliance withe the Spanyarde ill Affected to her Mag^{tie} w^{ch} if to anie of them thees my daungerouse proceedings had bin reuealed, beffore I obtayned A turquishe janisurie for my guard, they woulde

vndoughtedlie (as they mighte wthout their harmes) by taking awaye my life, have prevented thees occurrents.

4. The great Augmentacõn of her Magesties Customes by this intercourse.

5. Vtterance of o^{r} Inglishe Comodities in A dead time of traffiqs, forbidden in other fforrayne countries.

6. Thincrease of serviceable shipps, breeding good marriners inured to thees long voyadges;

Herein layethe hidden the salving of A sore, for whereas the Spanyarde enuiouslie wayed the benefitt reaped of o^{r} clothe, kersies, and tinn vttered in his dominions, and for w^{ch} we retorned A great part redie coyne; and Alsoe Oyles cheiflie here needed, knowing the welfare of o^{r} countrie to depend verie muche of the vent of thoes o^{r} saide native comodities, nott onelie forbad the vse and bringing into anie parte of his dominions, butt alsoe then practised wth themperor and his Haunce townes, and noe lesse wth theasterlie countries to the like effeckt, whoes intents were cleanlie prevented by this turquishe intercourse, better seruing ffor vtterance of the same then Spaigne, w^{ch} otherwiese mighte have redounded to A festered canker or open wounde, bothe for that this realme wanting former vent for and of the same, shoulde necessarilie have fforced the merchant to surcease his trade, and the great number of pore people (thereby sett to worke) vnimployed to hard extremeties, And alsoe great shipps and perfect marriners, A strengthe of the Lande and terror to o^{r} enemies (sithens mightelie encreased by thees long voyadges) dailie have decreased, to the great weakning of her Magesties dominions and customes, bothe w^{ch} by this trade more then ever heretofore be highelie Augmented;

7. The Redemption of manie her Mag^{ties} subiects from Captevetie, wth A future gennerall freedome throughowt all thoes heathen countries.

8. The release of two of five vpon everie Cth due to the Gran Sig^{or} for his custome, obteyned for o^{r} nacõn onelie for ever.

9. The gennerall proffett of her subiects traders thether, beffore time reaped by the straunger.

Ytt pleased god to give me such favor wth the Gran Sig^{or} that by especiall pourefull comaundements I redemed att Constantinoble, Argier, Tripolie in Barbarie, and other places, fiftie fower of her subiects from long miserable captevetie, neyther

att my departure w^th^in his dominions (where Justice mighte take place) were there anie of o^r^ nacõn remayning, Notw^th^standing that there then rested A verie great number of frenshe and venetiens in league w^th^ him, whereby great somes of monie heretofore collected in this realme and expended in thees vses is saved, And alsoe by like seueer comaundement, procured gennerallie to all governors of his empire For restraynte of his subiects from ill intreatie of o^r^ people, that in all places they be more frendlie entertayned then anie other christians, as proofe doth verefie and the traders thether can trulie Affirme, howe muche the Gran Sig^or^ himselfe regardethe them, w^th^ A greater ffavor then ever he shewed to his oune subiects, required and obteyned by me viz.: the remitting them Almost halfe his customes att Constantinoble, and the ports thereto, by his especiall comaundements for ever dothe Affirme, and towching my-selffe, modestie forbidding me to penn downe in what reputacõn I ever remayned doe therein reffer me to [a good deal crossed out] the issue of thees my actions.

10. Thexcessive chardge of the Spanyarde, obteyning ffive years truce att my first arrivall in that countrey.

11. The saide Spanyards and Adherents gellious suspicoñ of my proceedings, scynce my second Arriuall, whereby her Mag^tie^ for sondrie considerations hathe bin the more feared of her forraigne foes, and as of the most is thoughte, nott onlie to have bin thoccation to restrayne the venitien ffrom entring the Cursed league, butt other estates of Italie noe lesse mistrusting the same, nott to departe w^th^ soe great succour in the spanyards aide Agaynst her, as otherwiese they mighte and is thoughte woulde have done.

12. Thopprobius repulse of Gio Antonio the Spanyarde his last Ambassador, sent to renue A fformer expired truce, thereby to have more securlie prosecuted thinuasion of this realme.

Herein be touched some harmes procured in thoes parts to the Spanyarde, att that time the highest capitall enemie to her Mag^tie^, whoe being by themperor his Ambassador certified my first couert coming thether, (as he and the rest of the Christian Ambassadors falslie imagined, to be for procuring the turke by sea to have inuaded the Spanishe dominions, to divert him from the conquest of Portugall,) sent thether the Earle Gio Marillano to craue A truce for five years, w^th^in thend of two years, corrupting the Bassaes, and not gainesaide of me then in private estate, or of anie other (then the ffrenshe nott prevayling) he obtayned but after

that Gio Antonio the above mencioned Marillano his secretarie was sent Agayne to renue that truce expired : I being certefied [

] [1] of the saide Spanyarde his great preparation to inuade this realme confirmed by often letters of M[r]. Jn[o] wrothe from Venice, and of others from divers forrayne parts, As no lesse certainelie learning by Paulo Marianj A venetian dailie conversing w[th] the Agents of Ragusa, trulie receaving itt in secrett from the spanishe, that his m[r] shoulde nott onlie Assure all his dominions w[th]in the Levant seas, from Accustomed feare of the Turquishe navie, butt alsoe gayne himselfe thirtie thowsand souldiors morte paĩȝ in garrisons of Castells and towers of defence, soe well in Allicant and Valencia, as Corsica, Maiorqȝ , Minorqȝ, Calabria, Cicilia, Naples and Paglia, freelie w[th]out chardge, w[ch] by noe means he coulde doe butt w[th] conclusion of the saide truce. As became A faithefull servant and true subiect to her Mag[tie], I performed my vttermost endeuor [*sic*] not onelie to breake of the same (*sic*) [

] [1]

and through god his Assistance, soe prevented his craftie deuices in that courte, that neyther his trauell or muche exhausted treasuer preuayled, ffor Althoughe the Gran Sig[or] his letters, had bin deliuered to the saide Gio Stefano according to his oune request, the same vpon my earnest suite were Agayne taken from him in open courte, and he w[th] his retinue w[th]in ffoorteen daies, comaunded vpon payne of deathe to Auoide the countrie, all w[ch] accordinglie was performed, w[ch] done I discovered to the Gran Sig[or] thaccord the saide Agent had made w[th] the viceroye and Admirall, promising them one hundrethe thowsund ducketts, to keepe their m[r] from presentlie sending owt anie nauie against his m[r] the Spanyarde, then pretending of England, (*sic*) [

] [1] Nor w[ch] as alsoe for that two years beffore I had accused the saide viceroye and Admirall to have in like manner promised the Venetian, for CLX[tie] thowsund ducketts to breake of o[r] intercourse and expell vs that his m[r] his countrie, bothe the saide viceroye and Admirall became my vtter enemies, and had nott god, whoe be ever praised, bothe brideled their mallice, and stirred me up for helpers the Hosu and Beglerby in greater

[1] Deleted in MS.

fauor w^th^ their m^r^, neyther coulde this trade have continued or I escaped their crueltie, whereof A powlishe Ambassador for like causes, vnexpectedlie murdered in his waye returning home ffor merlie had tasted ffaithefullie protesting during the Spanyarde was noe open enemie to her mag^tie^; I extolled his greatnes next to my soueraigne m^rs^, and Aboue all other christian princes, butt after when I knew certainlie he soughte the subversion of my saide her gratiouse mag^tie^ and dominions, then as reason and dutie guided me, I performed my vttermost endeuor, (*sic*) [ ][1] to impeache the same, yett not w^th^owt my continuall earnest praier to god, w^ch^ blessed be his holie name he granted that her Mag^tie^ in her iust defence mighte never have [ ][1] this heathen tirant his Assistance; As alsoe that during my there residence, he mighte neuer make him the executioner of his feirce wrathe and scourdge of christendome for their sinns, crying owt w^th^ Ezekias give peace & truth Lorde in my daies, hauing alsoe thadmonition of the Apostell saynte Paule in remembrance, to refrayne to doe evill that good mighte ensue thereof. I Cease to enlardge my manie great escaped daungers, my continuall great Cares of minde, to obuent and frustrate the subtill secrett deuises of my manie mightie enemies, bothe christian and heathen, and the neglect of private gayne for my fiuture pore estate att my retorne hether, for knowing liberallitis the chepest price of heathen people their harts, I therefore spent A great part of my oune pore portion aboue that allowed me of the merchants, having onlie respect (after my waightie chardge of place) to god, my prince, and countrie.

A similar memorandum, entitled, *The relation of my ten years of foreign travel in procuring and establishing the intercourse into the Grand Signor's Dominions begun* A.D. 1577 *and finished* 1588, *specifying the service done to Her Majesty and Commonwealth with such particular profit as the traders thither have and do enjoy thereby*, which covers somewhat different ground from the above, may be found in the Lansdowne MSS.[2]

Harborne, after he retired, still took an active interest in the Companies affairs. In 1591, he wrote a valuable minute on the incorporation of the Levant and Venice

[1] Deleted in MS. [2] 57. *Art.* 23.

Companies in a common concern, with many practical suggestions : [1]

Mr. Harborne's opinion of the New Incorporation of the Venetian and Turkey Merchants 1591.

Right Honourable and my very good Lord, Whereas according to your honourable commandment, I certified those needful observations in my simple judgment seeming requisite for the continuance of the Turkish intercourse, procured by my former long and great travail viz. that no ship under the burden of 160 tons and of them 6, 3 or more to go out and return together and that also (with your Honour's good liking) *some of the most sufficient merchants not free, might upon reasonable contribution, be received into the said fellowship*, the traffic to be continued as formerly in one joint purse. I hereby with your honourable licence as hereunder followeth continue these my assertions :—

1. Inprimis this trade increasing, the Spaniard (no doubt as already he hath done) will no less increase his forces to stop the same, in the mouth of the Straits which is very narrow, where being served of his City and Road of Gibraltar, situate over against the same, he may in temptuous weather safely keep both gallies and other vessels to expect our fleet, which although by means of the current setting into that gulf, be sooner carried through and so take their time and pass in the night with less hazard, yet notwithstanding at their return they shall lie open to the enemies their sight, keeping a watch to that purpose upon the high hills and retarded by the contrary current and therefore it is very needful, the above said number of these great and defensible ships to withstand his gallies, strengthened lately (according to credible report) . . . with galeasses, not formerly there employed.

2. Those voyages being long and therefore the freight very chargeable, is required a great provision of merchandise, whereof . . . it can not be done without a great stock, which furnished by a few adventurers and the same (which God defend) taken by the enemy, is to be feared the . . . losers might be terrified from continuing the same and the now number utterly impoverished, unable to proceed farther therein, whereby . . . discontinuance of traffic ensuing and the Agent not after Her Majesty's greatness maintained, our adversaries the Venetians and others greedily gaping after nothing more than the over-

[1] Lansdowne MSS. 67. *Art.* 106.

throw of this profitable trade, will by bribes so corrupt the Viceroy and others . . . in that your Majesty's subjects continuing their trade into other parts of the Levant, as in time passed, shall be subject to heathen captivity, to the endangering of their soul and body and loss of their goods. Whereas on the contrary part, if this Turkey Company strengthen themselves with some other merchants not as yet admitted by contribution, they shall together be so able to undergo this burden, as with no such injustice dismayed, but rather encouraged . . . whereby our native commodities in this weightest time, may as formerly have issue and be vented.

3. And if so be this stock for Turkey should not be . . . in one joint purse (as formerly it was) the traders shall lose rather than profit thereby . . . and . . . the weaker witted inveigled by the malicious Turk and crafty Moor and faithless Greek (other brokers than which be not in those parts) shall by selling at under prices, not only bring those our commodities out of estimation but also through their overhasty imprudence, either to prevent the others, raise the foreign commodities to excessive price and hereupon such contention and emulation shall arise between themselves, as in that pagan country, in lieu of Christian charity, envy (through ill counsel) shall stir them up to hinder and harm one the other, besides every injury (wherewith that country for want of justice aboundeth) repulsed and withstood heretofore by the Generalitie, now to one particular offered, shall be his overthrow while . . . the rest counting his loss their gain, be not moved with pity both to help and contribute towards so great charge, needful to repress such common insolency by sufferance daily increasing. Moreover if the Consul be not of the more honest, they may to great harm use their office, with great partiality, favouring some and harming others. . . .

Neither shall the Agent be well provided or duly respected after the place but continually troubled with their differences. Whereas to the contrary, all this and other enormities omitted, for not wearying too much of your Honour, which there may ensue, shall by occupying a joint purse as heretofore, be clearly taken away, when every one in his degree as members of one Council . . . shall mutually assist one the other and together through good counsel, prefer generally the common benefit, nourished with fear and hope that the Company in England will well reward the good endeavours of the virtuous and severely chastise the ill demeanours of the malicious, after their merits.

And in this sort shall the Turk his dominions be traded to profit; and by experience of ten years residence, I do truly affirm upon my certain knowledge, a common purse shall utter twice so much commodities and to more profit than when everyone shall draw apart by himself. . . .

Harborne's recommendations bore good fruit. The two struggling companies were amalgamated under the title of "The Governor and Company of Merchants of the Levant." They received a Charter on January 7, 1592. Of the prosperity of this great mercantile association, which raised England to the position of the leading power in the Mediterranean and the Near East, and indirectly led to the establishment of the English in India, it is not necessary to say anything here, except to point out that these magnificent results were to a great extent due to Harborne's untiring energy and wise counsels.

After his retirement, Harborne settled in his native county. Nash, in his *Lenten Stuffe*, 1598,[1] quaintly remarks that "the mercurial-breasted Mr. Harborne hath echoing noised the name of our island and of Yarmouth so tritonly that not an infant of the cur-tailed, skin-clipping pagans, but talk of London as frequently as of their Prophet's tomb at Mecca." He died at Mundham in Norfolk. The entry in the parish register, 1617, states that "Mr. William Harborne died the 6, buried Nov. 20." A previous entry, "Toby Chimney, S^{t}. to Mr. Harborne," apparently refers to a native servant whom he may have brought from the Levant with him. Harborne was buried beneath a slab west of the rood screen in Mundham church, with the following epitaph:

BEHOLD A DEAD MANS HOWSE WHO FVLL OF DAYS
RETIRDE HERE FROM THE WORLD. DESERT AND PRAISE
SHOVLD SITT VPPON HIS GRAVE, IN VERTVOVS STRIFE:
THIS TO INSTRVCT AND THAT TO WRITE HIS LIFE.
HEIRES SPARE YOUR COST HE NEEDS NO TOMBE IN DEATH
WHO EMBASSAGDE FOR QVEEN ELIZABETH.
HIS NEXT WILL BE WHEN AT THE GENERALL DOME
GOD SENDS HIS SOVLE TO FETCH HIS BODYE HOME.[2]

[1] Ed. Park, *Harl. Misc.* VI, 156.
[2] Information kindly supplied by the Rev. W. B. A. Chandler, M.A.

YEAR BOOKS AND PLEA ROLLS AS SOURCES OF HISTORICAL INFORMATION

By H. G. Richardson, M.A., B.Sc., F.R.Hist.S.

Read December 8, 1921.

Eighteen years ago F. W. Maitland edited for the Selden Society the first volume of the *Year Books of Edward II.* In his introduction to that volume, moved by a pardonable enthusiasm, he wrote—perhaps not altogether advisedly—"It will some day seem a wonderful thing that men once thought that they could write the history of mediæval England without using the Year Books." [1] Since then that sentence has been frequently repeated, although it is to be feared that for the most part historians have turned a deaf ear to its warning: and lately Mr. W. C. Bolland, who has himself edited several volumes of Year Books for the same Society, has reiterated Maitland's plea and, going further, has drawn a damaging comparison between the Year Books and the Plea Rolls.[2] The Year Books, we are told, "are the living body, acting and speaking and thinking

[1] *Year Books of Edw. II*, i, xx. I do not think, however, that any candid reader of the context will give the sentence the extreme meaning which some of Maitland's followers seem disposed to give it: *cf.* the reference to the Plea Rolls in his introduction to *Bracton's Note Book*, p. 11; *below* p. 69. For an extreme view *see* T. F. Tout, *Political History of England* (1216–1377), p. 461. Mr. L. O. Pike at one time expressed a high opinion of the value of the YBB. for social history (*see* especially *YB.* 18 *and* 19 *Edw. III*, pp. xxvi ff.), but he was careful to add "and the corresponding records," and in his latest statement his opinion had changed substantially: "the records as a whole reveal an entirely different state of affairs" (*YB.* 20 *Edw. III*, ii, xlvii). *See also* his reference in *Report of R. Commn. on Public Records*, i, iii, 166, to "the unique value of the details supplied by the rolls for historical purposes, and especially for social history, and the history of civilisation."

[2] *The Year Books, Lectures delivered in the University of London.*

and wrangling and changing its mind on the pressure of the moment" : while the Plea Rolls present " the skeleton, the dry bones of the bare facts." It is true that Mr. Bolland is careful to explain that the Year Book and the Roll each contain matter which is absent from the other, and that for historical purposes neither is complete without the other : but there is no doubt that the general impression left by Mr. Bolland's lectures is that the Year Books are of high historical value, that they contain, in his own words, " innumerable matters of interest, legal, historical, constitutional and social, about which the record is entirely silent." [1] Now the danger of such statements is not that they may beguile a *Times* reviewer to remark of the Year Books, " they are of extraordinary value in their vivid presentation of the life of the time . . . their unique value is scarcely yet recognized by historians," [2] but that they may beguile the student to spend on the study of the Year Books time that might be more profitably occupied in studying many another neglected source. [3]

It is perhaps desirable to say a few words in explanation of what the Year Books are. The Year Books are collections of reports of cases argued in the central courts : they are written in French—very exceptionally in Latin—and as they now survive begin in the reign of Edward I and continue, with some serious gaps, well into the sixteenth century. [4] Whether they were in origin students' notebooks or professional publications, is not a question of importance in the present connexion. [5] Suffice it to say that they were unofficial compilations by lawyers for lawyers, which

[1] *Op. cit.*, pp. 29, 30.

[2] *Literary Supplement*, February 24, 1921, p. 130.

[3] *Cf.* Prof. A. F. Pollard's statement in *History*, vi, 217 : " the Year Books remain the great unexplored source for constitutional history down to the Tudor period."

[4] Turner, *YBB. of Edw. II* (Selden Soc.), vi, xi.

[5] The principal contributions to the discussion are the Introductions to volumes i, vi and xiv of the *YBB. of Edw. II* (Selden Soc.) and the *YB. of* 20 *Edw. III* (R.S.), Pt. ii. *See also* Holdsworth, *Hist. of English Law*, ii, 451 ff. ; Bolland, *op. cit.*, pp. 31 ff.

gradually acquired greater and greater authority [1] and were the ancestors of the present Law Reports. It has even been suggested that by the beginning of the sixteenth century they were regarded with so much respect that it was worth while falsifying them in order to get a respectable precedent for the Court of the Lord High Steward.[2]

The Plea Rolls constitute, of course, the official record: they are of greater antiquity than the Year Books, the earliest extant fragment being an extract from a roll of the twenty-seventh year of Henry II,[3] but the series actually begins in Richard I's reign and continues to the present day. From the earliest period until well into the eighteenth century the entries on the Rolls were made in Latin.

Before making any detailed examination of the claims of the Year Books and the Plea Rolls as sources of historical information, let it be said at once that without the Year Books we should know much less about mediæval law, much less about mediæval courts of law and about the mediæval lawyer. But that without these reports we need know less about other aspects of history is an extremely difficult proposition to sustain. The Year Books may occasionally be of great use in giving us an indication of the information we may find in the Plea Rolls, for vile as the text of the old editions of the Year Books may be, the Abridgments and the indexes to the Year Books themselves do enable us to run down cases, and from that point we may, with difficulty, find our way to entries on the Plea Rolls, baffling as the lack of indexes to those records certainly is. Sometimes the Year Books may obviate the

[1] *Cf.* Maitland, *YBB. of Edw. II*, iii, x; Pike, *YB.* 12–13 *Edw. III*, p. xxiii; Turner, *op. cit.*, xiv ff.

[2] Vernon Harcourt, *His Grace the Steward and Trial of Peers*, pp. 416 ff. *See* Pike's criticism, *Law Quarterly Review*, xxiii, 442 ff., and Harcourt's reply, *ibid.*, xxiv, 43 ff. Harcourt's theory cannot be regarded as proved, but the difficulty still remains that "the records of that time falsify the book": Holdsworth, *op. cit.*, i, 389 (3rd edition).

[3] Maitland, *Select Pleas of the Crown*, p. xxvi.

necessity for consulting the records, if they happen, as they sometimes do, to have preserved the item of information we require, and time or circumstance does not permit of the identification of the case on the rolls. And life being but brief and the rolls very long and the reports very doubtful guides, it is too often Year Book or nothing.

Yet, when we have said so much in praise of the Year Books we have said nearly all that it is safe to say, and the seeker who, without a solid grounding in mediæval law, turns to them for entertainment may look long for scant reward.[1] "It would be an eminently good deed," as Maitland said with another reference, to print for the use of the general student of history an annotated selection of cases from the Year Books, but it would need to be amply supplemented from the Rolls before even the picture of the mediæval court of law were tolerably complete.[2] And although it might be conceded that without the Year Books we might know something less about constitutional history [3] —remembering that the claim can only safely be made where an examination of the corresponding records has been scrupulously carried out—the contribution which the Plea Rolls have already made to the study of constitutional history, particularly of the King's Council,[4] suggests how valuable the records are and how much more there is yet to be learnt from them. Of the value of the Plea Rolls for political history no testimony is more eloquent than the complete rewriting of the history of the rebellion of 1381, which the last generation has witnessed, based largely, if

[1] *Cf.* Maitland, *YBB. of Edw. II*, i, xx: "Reports must be read in considerable quantities if they are to be appreciated. They cannot be tasted in sips. Placed in the hands of a foreigner or of a beginner, what could be worse material than the last number of the Law Reports? It is of necessity a jumble of odds and ends. . . . Even so it is in the Year Books."

[2] *Cf.* Pike, *YB. 20 Edw. III*, ii, xlvii ff.

[3] *See* Vinogradoff, *Constitutional History and the Year Books, Law Quarterly Review*, xxix, 273 ff.; *below* Appendix A.

[4] It will suffice to refer to Hale, *Jurisdiction of the Lords House*; Pike, *Const. Hist. of the House of Lords*; Baldwin, *King's Council*.

not principally, on the Plea Rolls and subsidiary records.[1] If we were to search the Year Books of Richard II for the faintest glimmer of new light on that story, we could hardly hope to find it. True, some accident appears to have befallen the reports for that reign, and to have left us with little more than fragments for many of the terms, while only the reports for the twelfth year have been put into print:[2] but a more kindly fate has befallen the Year Books of Henry VI, which are in print for all to read and, although some years are missing, are complete for the 1450's, and we may not unfairly judge their value for political history by what they tell us of Jack Cade's rebellion. There is a short story, interesting enough, of an uprising at Bath,[3] which seems hitherto to have escaped the notice of historians of that rebellion, and there may be a few other incidental references: but with the story of 1381 before us, dare we venture to say that we shall get any gleanings of consequence from the Year Books when the time comes to tell the story of 1450 as the earlier story has been told?[4]

The modern editor of a Year Book collates the report and the record, and we may adopt a similar method in endeavouring to get some more definite indication of the relative value of the two sources. Let us first look at two cases which are of more than legal interest taken almost at random from the reports of the fourth year of Edward II.[5] In one case the Year Book tells us that a certain A. brought a writ of detinue against Master John Pamppan to recover a book of the value of one hundred shillings and claimed ten pounds damages. The defendant failed to appear when he should have waged his law, and judgment was given

[1] Réville, *Le Soulèvement des Travailleurs d'Angleterre en 1381*; Powell, *Rising in East Anglia*; Powell and Trevelyan, *Peasants' Rising and the Lollards* (p. 18 of which gives further references).

[2] *Ed.* G. F. Deiser: *see* pp. xvi ff. for account of MS. material for YBB. of Richard II.

[3] *YB.* 35 *Hen. VI* (ed. 1601), Hil., ff. 44*b*, 45*a*.

[4] There is a good deal of information in the *Coram Rege Rolls* Nos. 758–762 about Jack Cade's rebellion and other civil disturbances.

[5] *Ed.* G. J. Turner (Selden Soc.).

against him. Here, as often, the reporter is not sufficiently interested in the names of the parties to give them correctly, nor does the modern reader seek particularly to learn them; but he would be interested to know what manner of book it was, worth a hundred shillings, about which men went to law in the early years of the fourteenth century. The record will tell him when the report is silent: the book was called *Saintgrahel*; and who shall say that Robert of Wulghes, the rightful owner, did not suffer ten pounds' worth of damage in being deprived of its delight and solace?[1] The other case has a very legal flavour and interested the Court mightily: three separate reports of it have been preserved. The particulars of the case, which was one of dower, need not detain us: the peculiar circumstance was that the tenant's attorney on his way to Court happened to pass through Ashton-under-Lyne just when John Miles was wounded by unknown men. The wounded man raised the hue and cry and the constables of the town—who bore the pleasing names of John Hackepenne and John Blot—"because," says the record, "John Miles' life was despaired of," charged the innocent lawyer with the crime and arrested him. After being kept in prison some weeks the attorney was released, too late to put in an appearance in the case. Although one report gives us the story in more detail than the others, it lacks much that lends charm to the story as we find it in the record. At the same time it must be admitted that the reports tell us what the record does not, that the attorney alleged that in his absence a fraud was committed whereby his name appeared upon the rolls as present in Court; and what the Chief Justice said when the attorney attempted to raise the point is well worth the while of any one to read in the Year Book itself: but this story of fraud adds to our knowledge of mediæval lawyers rather than to any other matter of history, and its omission from the record does not invalidate what has already been said.[2]

[1] *Op. cit., Wulghes* v. *Pepard*, pp. 13, 14.
[2] *Ibid., Chaumberleyn* v. *Combes*, pp. 20 ff.

Magic and alchemy share in that perennial interest which attaches to every aberration of the spirit of man, but the Year Books know little of these matters: not because such unlawful arts were unknown to the Courts, or because the reporters and their readers had no share in our common human curiosity, but because the Year Books were strictly professional compilations. If any stories are admitted they must needs have a professional flavour, and short of a lawyer turning magician or alchemist—like Chaucer's canon, of whom more anon—there was little excuse for the reporter to note a case touching magic or alchemy, unless indeed some interesting point of law arose.

We may certainly find in the report of cases in the Trinity Term of the forty-fifth year of Edward III a few lines on a case of suspected sorcery:

Note, that a man was taken in Southwark with a head and a visage of a dead man and with a book of sorcery in his bag: and he was brought before Sir J. Knivet, Justice of the King's Bench, but no indictment was preferred against him, because the clerks made him swear that he would never be a sorcerer: and he was delivered from prison, and the head and the book were burnt at Tothill at the prisoner's expense.[1]

This is tantalizingly brief. Let us, however, turn to the record and we shall find—not it is true in the Trinity Term, for the report and the record do not always agree as to term—the story told, not perhaps with all the detail we might wish, but with sufficient colour and life to enable us to picture the mediæval magician at home. John Crok of Tetteworth had been arrested and imprisoned by the bailiffs of Southwark for certain deceptions and seditions practised on the people of our lord the king: a bag containing the head of a dead man had been found in the prisoner's possession and had been remitted to the charge of the bailiff of the liberty of the Archbishop of Canterbury in Southwark—as being, possibly, by reason of his associa-

[1] *YB.* 45 *Edw. III* (ed. 1679), p. 17.

tions, in some measure better protected from assaults of the Evil One. The circumstances coming to the notice of the King's Council, prisoner and bag were brought before John Knyvet and his fellow justices on the King's Bench, where the bag was found to contain a book as well as a head. The prisoner, on being questioned, told this story. The head was that of a Saracen, and he had bought it in the City of Toledo in Spain for the purpose of enclosing therein a certain spirit which would reply to questions. As for the book, that was merely for experimental purposes. He had, however, as yet done nothing with the head. Since John Crok admitted no more and nothing with which he had been charged could be proved in any other way against him, he was made to take his oath, with hand upon the gospels, that he had never used this kind of thing or anything else against the faith of Holy Church. Then he was let go, the marshal being told to burn the bag and the head and also certain scrolls (*scrowettas*) of paper diversely painted, which apparently had been found on the prisoner. The record says nothing of Tothill, but that place was near at hand: nor does it note the recovery of the cost of the burning. Was this, dare we suggest, colour put in by the reporter, a little jest to entertain the profession? [1]

The record of a witchcraft trial in 1325 has been more than once printed.[2] The necromancer, one Master John of Nottingham, had, so it was alleged, made, at the instance of a number of people of Coventry, seven images of wax and canvas: the first of the king crowned with wax; five of other notables; and the seventh of one Richard de Sowe, a humble neighbour, upon whom it was decided to test the efficacy of the method to be employed upon the six persons of importance. The necromancer and his

[1] *Coram Rege Roll No.* 443 (45 Edw. III, Mich.), Rex, m. 23d. The reader may be warned that Mr. Bolland's statement (p. 27) with regard to rolls marked "Rex" applies only to the Common Bench. It is not true of the Coram Rege Rolls: *cf.* Scargill Bird, *Guide*, p. 259.

[2] *Parliamentary Writs*, II, ii, App., pp. 269 f.; *Proceedings against Dame Alice Kyteler* (Camden Soc.), pp. xxiii ff.

assistant—a certain Robert le Mareschal, who subsequently turned king's evidence—took up their quarters in an old lonely house half a league from Coventry. After some months of preparation, one Friday about midnight, Master John ordered Robert to plunge a sharp pin two inches into the forehead of Richard de Sowe's image. On the morrow Robert called at Richard's house and found him raving and crying "harrou!" And so Richard languished until the Sunday three weeks later, when Master John drew forth the pin from the forehead of the image and plunged it in the heart, where it remained until the Wednesday following, when the victim died. Apparently the other intended victims were spared: perhaps Robert le Mareschal was horrified at the success of the experiment and fear of his revelations caused Master John and Master John's employers to hold their hands: perhaps the whole tale was a fabrication, for all the defendants who stood their trial were acquitted after the necromancer had died in gaol.

It is perhaps rash in the absence of a modern edition of the Year Books of 18 Edward II to say that no trace of this case appears in the reports: but there seems certainly to be no mention of it in the old edition printed from Serjeant Maynard's manuscript.

Of another case of magic, pretended indeed, but ending in tragedy, there seems to be no trace in the reports. On the 11th August, 1354 (the dates should be noted), a Devon jury, before William de Shareshull and his fellow justices of oyer and terminer, presented three men, Gervase Worthy, Geoffrey 3epeswych and William Kele, on a nine-year-old charge. Their story was that these three men had on the 7th April, 1345, come to the house of Rowland Smalecombe of Barnstaple and had told his wife that they had once been pagans and had been converted to the faith. They could, they said, tell the fortunes of any man or woman and everything they would do to their lives' end and how long they would live. So by their cunning and false craft

the men so worked with the woman that she brought out all the gold and silver and jewels she had in her charge—silver plate, mazer cups, bracelets (zonas), rings and buckles of gold and silver, worth two hundred marks—and Gervase wrapped all in a linen cloth and made as if to put them in a certain chest. The woman indeed believed that they had been put there. Gervase then locked the chest and took away the key, enjoining the woman that for nine days she should go daily to church and have three masses celebrated and that she should in no wise open the chest until the nine days were fully past. Gervase promised to return on the tenth day with the key, when the woman would find in the chest not only all her own jewels intact but would find them doubled. So he and the others went away with the key and did not return. The woman broke open the chest, to find nothing of jewels therein as Gervase had promised, but only the linen cloth filled with lead and stones, whereupon in the sudden realization of the fraud and deception practised upon her she fell sick and in a brief space died.

Eight years after the presentment of the jury Gervase was finally acquitted in the Court of King's Bench. William Kele was outlawed in 32 Edward III (the exact date is not given), but sixteen years later surrendered. Being brought before the Court he alleged that he had been improperly outlawed and was thereupon released on mainprise. What finally happened to him or the other accused does not appear, but since the last proceedings against William Kele were in 1374, it is quite likely that old age and death overtook them before their guilt or innocence could be established.[1]

We may learn in the Plea Rolls, if not in the Year Books, something of the vexations of mediæval alchemists as well as the practices of fraudulent magicians, and may even find a king dabbling vicariously in the art of alchemy. The story that Edward III had employed an alchemist to

[1] *Coram Rege Roll No.* 455 (48 Edw. III, Mich,) Rex, m. 29.

make gold[1] was current in the seventeenth century. "The Rose Noble," Camden remarks, "our Alchimists do affirme (as an unwritten verity) was made by projection or multiplication Alchimical of Raymond Lully in the Tower of London, who wold prove it as Alchimically, beside the tradition of the Rabbies in that faculty, by the inscription."[2] Tyrwhitt, in his notes upon the *Canterbury Tales*, comments that this is a "ridiculous story,"[3] and indeed to father the "projection Alchimical" upon Lully was ridiculous, for he had been in his grave many years before Edward came to the throne. But if we change the name of the alchemist the story seems to be not so very ridiculous.

Early in 1350 there was an enquiry into the reason for the long imprisonment of certain persons in the Tower, among them being John de Walden who had lain there for seven years and a half, that is, from about the date when the preparations for the gold coinage must have begun.[4] He said that he was arrested because he had received from the king's treasure by the hands of Philip de Weston, five hundred crowns of gold and twenty pounds of silver to work thereon by the art of alchemy for the benefit of the king.[5] We get no more details, and we may presume that he had failed, but the story throws a curious sidelight on seventeenth century tradition.

Of another alchemist who also had dealings with the

[1] His government had early tried to get into their power two alchemists who professed to make silver "per artem alkemonie": *Fœdera* (*Record Commn.*), II, ii, 762 (9 May, 1329). That the profession was not at this time a disreputable one and that the Government was inclined to look on it with a kindly eye is indicated by the curious case of Thomas of York (1337) who asked for, and was apparently given, an opportunity to demonstrate "la science de Alconemie": Palgrave, *Original Authority of the King's Council*, pp. 28 ff.; Baildon, *Select Cases in Chancery*, pp. 127–8.

[2] Camden, *Remaines* (1636), p. 187: *see also* Selden, *Table Talk* (1689), p. 22, where the alchemist is called Riply; Ashmole, *Theatrum Chemicum* (1672), p. 443; Ruding, *Annals of the Coinage*, i, 62–3.

[3] Quoted, Skeat's *Chaucer*, III, 493.

[4] Ruding, *op. cit.*, i, 217.

[5] *Coram Rege Roll No.* 362 (25 Edw. III, Hil.), Rex, m. 4d.

Crown we learn more: we are given indeed something like a formula for alchemic gold, but unfortunately the process cannot be regarded as successful. William de Brumley, chaplain, lately dwelling with the Prior of Harmandsworth, was arrested, by order of the King's Council, with four counterfeit pieces of gold upon him. He expressly acknowledged that he had, by the art of alchemy, made these pieces from gold and silver and other medicines, to wit *sal armoniak*, *vitriol* and *golermonik* (whatever that may be).[1] The process had occupied him five weeks, and he had taken the pieces to Gautron, the keeper of the king's money at the Tower, and offered to sell them to him if they appeared to him of any value. William had before sold to Gautron a piece of this sort of metal for eighteen shillings, but of what weight it was he did not know. He said that he made the metal according to the teaching (*per doctrinam*) of William Shuchirch, canon of the king's chapel of Windsor.

Can this, we ask, be the canon whom Chaucer had in mind when he wrote the Canon's Yeoman's Tale: had William Shuchirch earned the poet's resentment and, as Tyrwhitt suggested, "determined Chaucer to interrupt the course of his work in order to insert a satire against the alchemists"?[2]

But to return to William de Brumley. His four counterfeit pieces were valued at thirty-five shillings by two separate juries (an interesting legal point), one of six, impanelled by the marshal, and another of three, namely Adam Chaungeour, Gautron de la Toure and John of Norwich, goldsmith, of London, all evidently possessing expert knowledge. The jurors stated further that had the pieces been pure gold they would have been worth six and a half marks. The pieces were thereupon delivered to Robert de Isham, keeper of

[1] At a guess, I suggest that the word should begin with *b* not *g*, and that the substance is Chaucer's *bole armoniak*: Canon's Yeoman's Tale, l. 790 (Skeat's *Chaucer*, IV, 534). *Cf.* p. 45, n. 3, below.

[2] Skeat, *op. cit.*, III, 493.

the rolls, and the prisoner committed to the custody of the marshal. Afterwards he fined with the king and took an oath and found four sureties in £40 each not to place on sale any plate made by alchemy in deception of the people of our lord the king, but only pure gold and silver. The four sureties were all goldsmiths, whence we may deduce that our alchemist, albeit a chaplain, was in some way connected with the craft. One of the sureties was John of Norwich, who had previously figured as a juror, and to whom the alchemic gold was later delivered in consideration of the sum of thirty-five shillings to be paid to the king.[1]

Not only do the Plea Rolls provide material for social and for political history, out of all proportion more varied and detailed than the material supplied by the Year Books, but the record rivals the report in presenting intimate pictures of the life of the Courts. Here are three incidents in the history of the Courts at Westminster which bring home forcibly the violence and lawlessness of the Middle Ages even in the shadow of the judgment seat.[2]

In the presence of the Justices of both Benches, William Daunay of Wasshyngton was taken in the Hall of the Pleas at Westminster (*Aula placitorum Westmonasterii*) by the marshal of the King's Bench on suspicion of cutting the purse of Thomas Simond, with which crime he was charged by popular clamour. However, no mainour[3] was found on William, and Thomas would not prosecute. But now came Roger de Blaykeston and said that he had knowledge of the person of William who had been charged, before the Justices of Gaol Delivery at Carlisle, with divers felonies and had as a clerk convict been delivered from prison into the custody of the Bishop of Carlisle. And Roger said, on behalf of our lord the king, that William had escaped from prison without making any purgation, and

[1] *Coram Rege Roll No.* 448 (47 Edw. III, Hil.), Rex, m. 14d.

[2] *See also YB.* 15 *Edw. III* (R.S.), pp. 274–5, for an account of a brawl in Westminster Hall.

[3] *I.e.*, "The thing that a thief taketh away."

he prayed that William might remain in the custody of the marshal until the Court should be more fully informed thereon. Later, because no one prosecuted him nor was there any mainour found on him, he was released on mainprise to stand his trial if any wished to proceed against him.[1]

William Daunay was so fortunate as to escape trial and may perhaps be given the benefit of the doubt. Of the guilt of another accused of picking pockets there can be no doubt. A Middlesex jury presented John Knyghton and Matthew ap Howell in that they on the 11th February, 1373, in the Great Hall at Westminster feloniously took from John Chaupeneys a rosary [2] worth twenty-pence. On the following Monday, being St. Valentine's day, the accused were brought up for trial and both put themselves upon the country. The jury found the Welshman innocent and the Englishman guilty, and the rosary to be worth tenpence only,[3]—" as to which," says the record, " let the aforesaid Chaupeneys answer." John Knyghton was committed to the custody of the marshal and remained in prison until the 15th October, when he was again brought before the Court. " And because it seemed to the Court that the said John had been sufficiently punished " in prison for the offence, he was liberated.[4]

So much for a glimpse inside Westminster Hall: in the

[1] *Coram Rege Roll No.* 342 (19 Edw. III, Mich.), Rex, m. 60.

[2] Unum par de paternostres de Aubre : this last word can hardly mean anything but amber, which was so commonly used for rosary beads as to give rise to the term *ambre de patermosters : cf.* Cotgrave, *s.v.*

[3] The offence is therefore petty larceny only.

[4] *Coram Rege Roll No.* 448 (47 Edw. III, Hil.), Rex, m. 18d. I may note some other cases of pickpockets in Westminster Hall. In 1329 a man is taken in the King's Bench " pro abscissione cuiusdam cultelli precii iid. Roberti Walshale superfacto et pro suspicione cissoris bursarum " : there being no suit (*secta*) or indictment he is liberated (*Coram Rege Roll No.* 275, Rex, m. 15). In 1451 a cutpurse takes the purse of John Rede, Sergeaunt, " iuxta barram banci ipsius Regis " : the purse is worth 3d., but its contents are valuable : a gold ring worth 3s. 4d., " vnum par precum de corall' " worth the same amount, and 20s. in money (*Coram Rege Roll No.* 762, Rex, m. 20). For a similar case *see ibid.*, Rex, m. 18.

next case we may see how officers of the law respected the precincts of the Palace and the rolls of the Court. In the Easter Term, 1346, an inquisition was held in the Court of King's Bench into alleged assaults upon officers of the Court. John de Pelham, sheriff of Middlesex, John de Asshewell his under-sheriff, Ralph the beadle, with others unknown, had come, it was said, with force and arms and in unseemly manner, and had, outside the gate of the Palace of Westminster, seized Thomas Sayer of Langetoft, who was carrying a bag containing the rolls of the King's Bench. This they did without having consideration either to the rolls or to those who have the custody of those rolls. And thereupon Thomas de Methelay, keeper of the rolls, asked the sheriff by what warrant he had attached Thomas Sayer with the said rolls, and the sheriff said by a writ of our lord the king, which he was prepared to show then and there. Whereon one of the serjeants who was attending the sheriff, with his assent drew sword on Thomas de Methelay. Another of the sheriff's company fitted an arrow into his bow and made ready to shoot. And then in the scuffle to and fro Thomas Sayer—who apparently held tight to the rolls—was drawn inside the palace gate, and there the sheriff seized him and led him away. At the trial of the sheriff and his associates it appeared that Sayer was accused of robbery and that after the sheriff had effected his arrest unknown strangers released him from custody.[1]

Beside these pictures of Westminster Hall we may put one of the Court of Exchequer and of Fleet Prison. It may be premised that officers of the Exchequer had the privilege of suing in that Court, and it will be observed that no punishment is meted out to one of them who enters into a conspiracy to defeat the ends of justice.

William de Dounebrigge, one of the auditors of the Exchequer, brought an action of debt against Henry Gerard, tailor. The story told to the Court was that William had lent Henry twenty marks which he had failed to repay.

[1] *Coram Rege Roll No.* 344 (20 Edw. III, Easter), Rex, m. 38d.

The defendant admitted the debt but was unable to pay, and was therefore committed to Fleet Prison. The next day a certain Thomas de Bettenham, shearman, came into Court and presented a bill to the effect that Henry had been condemned in a sum of £20 in the Court of Common Pleas at the suit of Thomas for the rape of Emma his wife: he had, however, paid neither damages nor the fine inflicted upon him: for the latter omission he had been outlawed, and Thomas was taking proceedings to have him outlawed in respect of the damages. Now Henry, scheming to delay paying both the fine and the £20 he owed to Thomas, had procured William de Dounebrigge to bring a collusive action in the Court of Exchequer, so that he might be committed to the Fleet. Once there he could arrange with his warder to go daily about his business in the City as he pleased. William and Henry confessed that this story was true, and that all the latter owed was five marks. The Court, very sensibly, came to the conclusion that the action was fictitious and handed Henry over to the sheriff to be brought before the King's Bench, in order that, having satisfied the King in respect of the fine and Thomas in respect of his damages, he should return to the Fleet until he had satisfied his debt of five marks to William.[1]

It must not be supposed that the rolls from which these cases with a legal flavour have been taken are barren of cases of more general interest. There is hardly a roll that will not yield an abundant harvest of historical material. On this same Exchequer Plea Roll, for example, we have a sidelight on recruiting in the Hundred Years War. On one membrane there are two pleas of debt, one arising out of an engagement entered into by an esquire to serve with a number of men-at-arms and archers to safeguard the sea, the second out of an engagement by another man to serve, well horsed and armed, in the king's wars, in a company

[1] *Exchequer Plea Roll No.* 95 (49 Edw. III), m. 9. Out of this case apparently arose St. 1 Ric. II, c. 12 : *Rot. Parl.*, III, 25 (No. 107) ; *Statutes of Realm*, II, 4.

of twenty men-at-arms and thirty archers under the Earl of Suffolk. In both cases a sum of money—100*s.* for the esquire and twenty-two marks for the man-at-arms—had been delivered to a third party as surety, on condition that it should be returned if the engagement was not fulfilled: and in both cases the men are alleged to have defaulted and the sureties to have failed to repay the sums advanced.[1]

From the roll which supplies the story of William Daunay, we may give, in barest outline, a few stories of contemporary Westminster outside the Palace precincts.

John de Hotone, a brother of the Hospital of St. James, near Westminster, was charged with the murder in that hospital of Joan, daughter of Roger de Bayham. Indicted before the steward of the abbot at a view of frankpledge held at Westminster, he was taken by the abbot's bailiffs and lodged in the king's gaol. Here he broke prison at midnight, but prisoners and neighbours gave the alarm, and he was retaken at prime the following morning. In court he produced a royal pardon for both offences on condition that he stood his trial if any one wished to proceed against him and that he found security for his good behaviour.[2]

A number of criminous clerks in the custody of the abbot escaped from his prison and proceedings were therefore taken against him. However, by a present of ten sacks of wool offered at a meeting of the Council at Westminster, the abbot is fortunately able to make his peace with the king and goes quit.[3]

A whole series of charges are brought against various monks of Westminster: pleas of debt had been heard in a Court Christian; the Archdeacon's Court had been held before daybreak and in their absence the defendants in a case of defamation had been adjudged contumacious and

[1] *Exchequer Plea Roll No.* 95, m. 3.

[2] *Coram Rege Roll No.* 342, Rex, m. 25. *Cf. V. C. H. London*, i, 544; *Cal. Pat. Rolls* (1343–5), p. 544.

[3] *Ibid.*, Rex, m. 39.

excommunicated; an extortionate sum had been exacted for proving a will; unlawful tolls had been levied at St. Edward's fair at Westminster; houses had been let to loose women by the sacrist; and so the catalogue of enormities goes on, including the punishment of a usurer in the Archdeacon's Court, to which it is somewhat surprising to find a Middlesex jury taking exception.[1]

These are but a few examples from one roll of the infinite wealth of information available for the local historian.

Mr. Bolland bears testimony to the value of the Year Books for the philologist,[2] but the Plea Rolls, covering a century before the reports begin and embracing an infinity of human interests, hold out scarcely inferior prospects to the student of Middle English and Anglo-French. The Latin vocabulary of the clerks of the courts was limited: any unusual word is likely to go down in plain English or perchance in French. Those medicines which William de Brumley used for his alchemy have a philological value, even if they could not transmute silver into gold[3]: but let us take another case at random. We may leave on one side the legal aspect, but it is necessary to explain that the important question was whether a certain boat was a deodand in that it had caused the death of an unfortunate Richard by Southe of Shepperton. Richard was drowned in the Thames "sicut venit in vno punte contra le rother vnius shoute"—as he came in a punt against the rudder of a shout—belonging to John Lightfoot and Robert Rus of London, and the jury of presentment said that the shout was the cause of Richard's death, because "le shouteman," whose name they did not know, negligently moved the shout against the punt.[4] In a very brief space we have

[1] *Ibid.*, Rex, m. 49.

[2] *Op. cit.*, pp. 24–5.

[3] The Canon's Yeoman's Tale "belongs to the very latest period of Chaucer's work": Skeat, *op. cit.*, III, 492–3. The mention therefore of sal armoniak, vitriole and bole armoniak (ll. 790 ff.) must be dated a good many years after the Plea Roll.

[4] *Coram Rege Roll No.* 443 (45 Edw. III, Mich.), Rex, m. 31.

three words, " punte," " shoute " and " shouteman," all very rare in Middle English literature : " rother " is a common enough word. The *Oxford English Dictionary* appears to know of no example of " punt " between 1100 and 1500 : one example of " shout," not precisely dated, is quoted from the fourteenth century. But the great value of the Plea Rolls to the philologist lies in the fact that an exact date can be given to every word which he may find ; [1] and if he is lucky he may find a whole poem and learn the whole circumstances of its composition.

In the eighties and nineties of the fourteenth century there was in the East Riding of Yorkshire a large company of malefactors, a hundred and more, who, clothed all in one livery, maintained each other in all quarrels true or false, and perpetrated many acts of violence. To serve their ends they made an English rhyme which they publicly proclaimed in Beverley, Hull and elsewhere. This rhyme, which is noteworthy as a political poem, if not as poetry, the Plea Roll sets out in full. But we get no more of the side of the story which the company of malefactors might have told, for in court they all produced royal pardons and went quit.[2]

With the exception of the first three, none of the cases which have been used here for the purpose of illustration have

[1] Some eighteen months later we find " batella vocata botes " which carry " ostres, muskles, risshes et faget et alia victualia " to the Watergate in Southwark : *Coram Rege Roll No.* 449 (47 Edw. III, Easter), Rex, m. 11 : in the same roll there is also a reference to a " shouta " : *ibid.*, Rex, m. 17. There are, however, many earlier references to " shoute " or " shouta " in the records of the City of London : *e.g.* Riley, *Memorials*, p. 262 (1350) ; *Cal. Letter Book G.*, pp. 97, 99, 206.

[2] *Coram Rege Roll No.* 525 (16 Ric. II, Easter), Rex, mm. 57 ff. The verses are printed from the *Ancient Indictments* by Powell and Trevelyan, *Peasants' Rising and the Lollards*, pp. 19–20. It is perhaps hazardous to state that the case is not mentioned in the reports, since only one year's reports of Richard II's reign have been printed : but there seems to be nothing like it in *Add. MS. No.* 32087, which contains all the cases for 16 Richard II that appear yet to have come to light : *cf.* G. F. Deiser, *YB. of 12 Richard II*, p. xix.

For examples of other passages in the vernacular, contained in *Coram Rege Roll No.* 507, *see* Powell and Trevelyan, *op. cit.*, pp. 36, 38.

been found in the Year Books, although, needless to say, all have been taken from the period which the Year Books cover. It will not have escaped notice that many of them are cases heard in the Court of King's Bench, and it is the fact that while the records of that court are of the greatest value for social and political history, the Year Books devote much the greater part of their space to cases in the Court of Common Pleas, for the very sufficient reason that the reporters were serving the interests of their profession, and not those of future historians.[1] Not that it is suggested that the records of the Court of Common Pleas are not of very great value, particularly for economic history,[2] but they contain a vast amount of matter presenting but minute variants upon a constant theme, and this, it must be confessed by their greatest admirers, is an aspect of the Year Books also. This statement made, we may be so bold as to assert that, except for those particularly interested in legal history, there must be many dull pages even in the best edited of the Year Books.[3]

Having said so much to the advantage of the Plea Rolls, it is only just to indicate the value the Year Books may have to the historical student who has interests besides legal history. We may take two subjects, usury and the Statutes of Labourers in relation to the clergy, subjects which have an equal interest for the economic and ecclesiastical historian.

The Year Books tell us that under Edward III there were attempts to get the Court of Common Pleas to set aside a bargain on the ground that it was usurious, but the Court refused to accept such a plea : [4] this is important because it helps to explain the considerable volume of litigation concerning alleged usurious contracts which, in

[1] *Cf.* Holdsworth, *Hist. of English Law*, II, 456 ; Maitland, *YBB. of Edward II*, iii. xi.

[2] *Cf.* Pike, *YB. of* 20 *Edward III* (R.S.), ii, xxviii ff.

[3] Mr. Bolland has himself drawn some of his most interesting stories from record sources : *op. cit.*, pp. 75–6.

[4] *YB.* 20 *Edw. III* (Rolls Series), i, 320 ; *YB.* 26 *Edw. III* (Mich.) (ed. 1532), f. 71.

the latter part of the fourteenth century and during the fifteenth century, came before the Chancery.[1] A principal reason certainly was, as the petitioners to the Chancellor stated, that remedy could not be had at common law.[2] True it is that the cases as recorded on the Plea Rolls might give the same information as the reports, but unfortunately in the one instance the modern editor has been unable to trace the record of the case and in the other we have to rely upon the old edition of the Year Books. It would have been singularly useful if the Year Books had noticed any cases where the King's Bench had treated usury as a crime : there is at least one such instance recorded on the Plea Rolls,[3] and the protest of the clergy in 1341 indicates that there may be others,[4] but the reports seem to be silent.

Miss B. H. Putnam has used the reports very effectively as a guide to the entries in the Plea Rolls relating to actions under the Statutes of Labourers during the reign of Edward III.[5] From the evidence she has adduced it is clear that there was a tendency to regard stipendiary clergy and even, for some purposes, beneficed clergy, as falling within the scope of the statutes,[6] but it was apparently settled law in 1376 that the statutes did not apply to chaplains.[7] With the help of Fitzherbert's Abridgment we can find our way to two later cases in the Year Books, and may learn that it was necessary to reaffirm this decision in 1402[8] and again so late as 1431.[9]

[1] The best known case is that of Elryngton v. Elryngton (Abram, *Social England*, pp. 215 ff.). Many other cases will be found among the *Early Chancery Proceedings*.

[2] *E.g. Early Chanc. Proc.*, 11/307, 19/264, 28/452.

[3] *Coram Rege Roll No.* 327 (16 Edw. III, Hil.), Rex, m. 28.

[4] *Rot. Parl.*, II, 129.

[5] *Enforcement of the Statutes of Labourers*, Pt. II, ch. 2, pp. 166 ff. App. F. 3–6, pp. 416 ff.

[6] *Ibid.*, pp. 81, 186 ff., App., pp. 147, 194, 432 ff. A vicar is presented for exacting extortionate marriage fees, p. 171. See also her *Wage-laws for Priests after the Black Death, Amer. Hist. Rev.*, xxi, 12 ff.

[7] *Enforcement of St. of Labourers*, pp. 189, App., 433.

[8] *YB.* 4 *Hen. IV* (Mich.) (ed. 1562), f. 2b.

[9] *YB.* 10 *Hen. VI* (Mich.) (H. Smith's edn.), f. 9.

It is doubtlessly true, as indeed Miss Putnam has demonstrated within the range of her enquiries, that the Plea Rolls would in all cases tell us a good deal more than the entries in the Year Books if only time permitted an exhaustive search to be made.[1] The Year Books are no more than second best, but we must use such tools as we have: and we should be foolish to despise the report which preserves that comment of Justice Finchden on Edwardian labour policy. "Sir," said he, "the statute was made for the advantage of the lords, that they should not have any lack of servants." [2]

Particular reference is due to a class of reports which cannot strictly be termed Year Books at all, but which are among the most interesting of mediæval law reports, namely, those which deal with the proceedings of Justices Itinerant. Such a report tends to assume the character of a continuous narrative, and when it does so has a far higher value, especially for the student of administrative history, than isolated cases such as compose the terminal reports now known as Year Books. Reports, in full or in part, of six eyres from 20 Edward I to 4 Edward III have been put into print.[3] But in interest no report is likely to excel the yet unpublished report (or perhaps we should say "reports," since the versions differ) of the London Eyre of 1321. We possess among the Assize Rolls a voluminous record of the Eyre,[4] of which a fraction only has been published,[5] and Andrew Horn, the famous City Chamberlain, compiled a narrative account which is preserved in the City's books of remembrance.[6] That the report will greatly supplement these sources, regarded merely as material for

[1] For some statistics as to the proportion of various classes of cases in the YBB. and in the rolls *see YB.* 20 *Edw. III* (R.S.), Pt. II, pp. xlv ff.

[2] *YB.* 40 *Edw. III* (Mich.) (ed. 1679), p. 39.

[3] *YBB. of Edw. I* (R.S.): Hereford and Shropshire 20 Edw. I, Stafford 21 Edw. I, Middlesex 22 Edw. I; *Eyre of Kent*, 6 and 7 Edw. II (Selden Soc.); *Select Bills in Eyre* (Selden Soc.), pp. 152 ff,: Derby 4 Edw. III.

[4] *Assize Rolls Nos.* 546, 547 A.

[5] *Placita de Quo Warranto* (Record Commn.) pp. 445 ff.

[6] *Munimenta Guildhallæ Lond.* (R.S.), ii, 285 ff.

local and administrative history is highly improbable, although it is impossible to express a final opinion until the various manuscripts have been edited, a work which the Selden Society may be prayed to hasten. Still the report does enable us to get a clearer view of an eyre in progress at the Tower of London than we should get even with Horne's narrative before us. Incidentally we learn that the retiring sheriffs of London retained the rolls of their period of office, a practice that called forth the pungent comment of Justice Mutford, "Then those who plead before the sheriffs have grievous loss for their pains";[1] but for us it explains why only one roll of the sheriffs' court is to be found to-day at the Guildhall.[2]

The opening passage of the report gives an excellent idea not only of the report as a whole, but of Year Book reporting at its best.[3] Hervi, it should be explained, is Hervey de Stanton, the presiding justice: Denom is William de Denham, one of the counsel appearing in the Eyre. With this passage may be compared Horn's account of the incident.

When the Justices were seated on the bench, even then, before their commission had been read, William Denom came to the bar and prayed the Justices that they would hear what he would show them on behalf of the commonalty of London.

Hervi. To whom are you speaking?

W. Denom. To you Justices.

Hervi. You do not even know yet whether we are Justices or not. Therefore wait until you know that we are Justices and then say what you would to us and we will hear you.

And then the Justices made proclamation that archbishops, bishops, abbots, priors, earls, barons, knights, freeholders and all those who had come for the Eyre should hold their peace. And when the commission had been read—

W. Denom. Sir, we tell you that the commonalty of London

[1] Donqes cels qe pledent deuant les viscontes perdent malement lor trauayle: quoted, *YBB. of Edward II* (Selden Soc.), xii, xviii.

[2] *Roll C.C.*—for, be it noted, 13–14 Edward II.

[3] The version followed is that in MS. Harl. No. 1062: *cf.* Horn's account, *Munim. Gildh. Lond.*, ii, 289.

has had and used, time out of mind, this custom, that in an Eyre of the Justices they are wont to send their messenger to the Court to know whether the Justices wish that they should come thither and if they could safely come and safely go at their will. And when they are assured by the reply of the Justices that the Justices wish them to come and that they may safely come and go at their will, then they are wont to come at the mandate of the Justices. And we pray that you will allow this usage.

Whereupon an argument follows in which Justice, counsel and mayor join.

Here we must bring to an end our extracts from rolls and reports, in the double hope that the claims of the Year Books will not be unduly exalted and that a demand may grow up for official recognition of the importance of the Plea Rolls as historical sources. If the neglect of the Year Books is, as Maitland said, a national disgrace, language has not yet furnished an epithet to be applied to the neglect of the Plea Rolls.

APPENDIX A

CONSTITUTIONAL HISTORY IN THE PLEA ROLLS

THE claim of the Year Books to be considered as a source for constitutional history is one of much greater validity than most of the claims made on their behalf for consideration other than that clearly due to them: and since constitutional history is but a short way of writing the history of constitutional law and custom, it would be strange if the claim were not a just one, for men cannot discuss and dispute about all manner of legal questions for more than two centuries without finding themselves from time to time involved in constitutional matters. Sir Paul Vinogradoff's Creighton Lecture [1] gives an excellent idea of the kind of information the Year Books afford: but other writers on constitutional history have used the Year Books to some extent [2]; and everyone now knows the comment of Chief Justice Hengham: "Do not gloss the statute; we understand it better than you do, for we made it" [3]—a sentence which brings home forcibly the gulf between a mediæval and a modern parliament. But not only is the range of the reports and the records very different, the point of view is different on matters where the point of view is important.[4] The relative value of the two sources considered in regard to the period of time covered or the bulk and variety of information afforded is a separate question.

Sir Paul Vinogradoff devoted a good part of his lecture to the narrative which the Year Books give of the doings of the judges at the accession of Henry VII.[5] It is instructive to turn to the

[1] *Law Quarterly Review*, xxix, 273 ff.

[2] *E.g.* Pike, *Constitutional History of House of Lords*; McIlwain, *High Court of Parliament*; Pollard, *Evolution of Parliament*.

[3] *YBB.* 33–35 *Edw. I*, p. 82: this, however, means no more than that the judges drafted it.

[4] This is well brought out by the Bishop of Winchester's case: *below* p. 59.

[5] Pp. 274 ff.: *see also* Pollard, *Reign of Henry VII*, II, 10 ff.

plea rolls of the King's Bench and the Common Bench and, by way of contrast, observe the marks which the constitutional changes have left on the record.

On the first membrane of the Coram Rege Roll of the Michaelmas Term 1485 [1] is entered a writ addressed to Sir William Huse (or Hussey), appointing him Chief Justice of the King's Bench. The writ is dated 20 September, but he did not, of course, sit until 10 October,[2] when Sir Guy Fairfax [3] and John Sulyard came into court and presented their patents as justices of the King's Bench. On the same day Henry Harman came and presented the patent appointing him to the offices of coroner and king's attorney and was sworn and admitted. William Hody, the attorney general, also appeared and had his patent enrolled. A like procedure was followed in the Common Bench,[4] but all the Justices were appointed by patent, Sir Thomas Bryan, the Chief Justice, Sir Humfrey Starkey and Roger Touneshend on 20 September, but Richard Nele not until 13 October. The patents of the attorney general, the chirographer and the keepers of the writs and rolls were also enrolled with minutes of their appearance. Although in so many entries we may notice a greater regard for form than had hitherto been observed, there is nothing particularly remarkable: the custom had been growing up during the fifteenth century of minuting on the plea roll the appointment of judges on the accession of a new sovereign [5]: it is a note of formality with no constitutional significance. But the demise of the crown was one thing: a violent change of ruler was another. Technically by the death of Richard, if for no other reason, the judicial business of the country had come to a stop and needed to be restarted: but to insist upon such a

[1] *Coram Rege Roll No.* 897.

[2] *I.e.* when the term began, the fourth day of the Octave of St. Michael falling on a Sunday.

[3] His patent appears not to be enrolled on the Patent Roll.

[4] *De Banco Roll No.* 894, mm. 1, 2: John Catesby's patent dated 20 Sept. (Cal. Pat. Roll, p. 33) is not entered.

[5] *E.g. Coram Rege Roll No.* 646 (Mich., 1 Hen. VI), m. 3: *No.* 886 (Easter, 1 Edw. V), m. 1. On *Coram Rege Roll No.* 608 (Easter, 1 Hen. V), Rex, m. 1, is enrolled the patent of appointment of the coroner and king's attorney with a minute of his appearance and admission, but the appointment of judges does not seem to be minuted in any way. The practice was followed on the return of Henry VI (*Coram Rege Roll No.* 838, m. 1: the roll of the Common Bench is "unfit for production") and Edward IV (*Coram Rege Roll No.* 840, m. 1; *De Banco Roll No.* 839, m. 1), but I have not noticed any directions for a writ to continue process.

technicality would be an intolerable burden upon litigants at a time when the conciliation of all classes was elementary prudence. Henry's constitutional position rested on the assumption that Richard's reign was a usurpation, and he was reluctant to recognize any act done in the usurper's name. Forms of writ were therefore framed which would at once restart the judicial machine and serve as a political manifesto, and these were communicated to the judges on 16 October.[1] The effect was that all business was to be regarded as in the same state as on the Octave of St. John the Baptist or the Monday after that date when it stood adjourned until the Octave of St. Michael or the Monday after, " ante quem diem loquela predicta remansit sine die eo quod predictus nuper vt premittitur Rex diem suum clausit extremum." The parties were to be resummoned and the business concluded. A simple statement to this effect might however be regarded as recognizing Richard's legitimacy—predictus nuper vt premittitur Rex—and the many writs despatched to all quarters of the country dissipated this idea. Richard is " the so-called king of England, who for some brief while usurped the royal dignity and power in our realm of England without just title and has been possessed of this same royal dignity *de facto et non de iure*. . . . Richard whom thus we call king by reason of his possession aforesaid and without prejudice to our right."

It was not necessary to look far for a precedent on which to base this procedure. Richard himself had been more thorough than Henry : he had been swift in appointing his judges,[2] and he had disregarded all that had been done in the preceding reign, going back to the last term of the reign of Edward IV, " after whose death as true and undoubted king of the said realm of England, by law of God and man, we indeed took upon ourselves the government and royal dignity of the same realm . . . although a little while ago Edward the bastard lately called Edward King of England the fifth since the Conquest, by usurpation and without just title, wielded the same royal dignity and power in our realm of England, and remained for a brief space in possession of the government of the same realm."

But Edward IV had furnished the actual precedent for Henry VII : the phrases used by Henry are echoes of those used by Edward on his first occupation of the throne. These there is

[1] *Coram Rege Roll No.* 897, m. 1d. ; *De Banco Roll No.* 894, m. 1d.

[2] *Coram Rege Roll No.* 888, m. 1. The appointments are dated 26 June and the court sat the same day.

no need to repeat, but the conclusion of his writ may well be quoted [1]: "wherefore we, as kin and true heir both of the lord Edward III and the lord Richard II after the Conquest, late true and undoubted kings of England, have lawfully removed the aforesaid Henry from the possession and exercise of the royal dignity and power, and as justice demands have taken upon ourselves the royal dignity and power, the rule and governance of the same realm."

These writs, it will be admitted, are documents of some constitutional interest; but if they are exceptional, they are so only because the circumstances were exceptional. There is no reign which will not afford documents of value, no roll that can be turned over without the expectation that it may yield something of constitutional significance [2]—although many things we must expect to find many times repeated. It would be easy to vouch the printed texts, the *Abbreviatio Placitorum*, *Bracton's Note Book* [3]: but unpublished rolls may be in this connexion of more interest.

Let us first look at two rolls [4] from a period well before the Year Books begin. Both are records of sessions held by the Justiciar of England—a title which seems to be used in preference to Chief Justiciar (or Justice)—apparently in fulfilment of the stipulation in the Provisions of Oxford that the Chief Justice was to go on eyre from county to county to determine all complaints of trespasses and injuries done by sheriffs, bailiffs and others.[5]

[1] *De Banco Roll No.* 801, m. 1d. It may be noted that St. 1 Edw. IV, c. i, gave parliamentary sanction to the procedure adopted: *Rot. Parl.*, V, 489; *Statutes of Realm*, II, 380.

[2] The examples given below are all taken from mediæval records. Dr. Hubert Hall draws my attention to the very interesting writs on the *Coram Rege Rolls* of Henry VIII, directing the justices to add "Defender of the Faith" to the king's title (Hil., 13 Hen. VIII, m. 14) and to insert "et in terra supremum caput Anglicanae Ecclesiae" in his title (Hil., 26 Hen. VIII, m. 1) and also to the enrolment of the proclamation (No. 219 in Steele's *Tudor and Stuart Proclamations*) notifying the adoption of the title of King of Ireland (Hil., 33 Hen. VIII, m. 1.).

[3] *See below* p. 68.

[4] *Assize Rolls Nos.* 362, 911.

[5] *Select Charters* (*8th Edition*), p. 387. Other Assize Rolls appear also to record similar eyres, as indicated by the nature of the *querele* and the presence of the Justiciar. But the precise relation of these rolls and the enquiry to be held under the Provisions of Oxford would require considerable study to elucidate. *Cf.* Cam, *Studies in the Hundred Rolls*, pp. 85 ff. The suggestion made by Prof. Tout (*Chapters in Administrative History*, i, 296) that the Justiciar's judicial duties were not onerous seems very

The whole county is present at these sessions [1] and the business is heavy and important and has a strong likeness to that transacted at a general eyre. Some of the business has to be adjourned and certain of these adjournments are of interest.

The first session with which we are concerned is one held at Canterbury on Sunday, 12 January, 1259, by Hugh le Bygod.[2] Some cases are adjourned *in primo aduentu*, or *in aduentu, Hugonis le Bygot* [3] : another case is adjourned *in Octabis Purificacionis beate Marie coram domino Rege vbicunque, etc.*, and a *postea* follows which gives us an illuminating glimpse of the King's Bench [4] : we turn to the next membrane and we find a case adjourned *ad parleamentum* in order that the rolls of the Exchequer may be consulted, but no date is given and unfortunately no *postea* which might tell us where the parliament was held and when and what happened there.[5] The second roll is concerned with events two years later, in the winter of 1260–61 : there is a new Justiciar, Hugh le Despenser, and he is sitting at Lewes on Sunday, 12 December, 1260.[6] Again there are adjournments : we notice one—*coram domino rege et iusticiario in*

dubious. The translation of *Justiciarius* by *justiciar* or *justice* is, of course, quite arbitrary.

[1] *Assize Roll No.* 362, m. 8 : testatum est per totum Comitatum ; *Assize Roll No.* 911, m. 12 : Totus comitatus Sussex' recordatur.

[2] *Assize Roll No.* 362. This appears to be the more usual spelling of his name.

[3] *Ibid.*, mm. 4d, 5, 5d, 14.

[4] *Ibid.*, m. 7 : Postea ad diem illum apud Nouum Templum Londoniis venit predictus Prior et optulit se iiij^{to} die uersus predictum Archiepiscopum. Et ipse non venit etc. Et visus fuit in Curia et recessit sine licencia Iusticiariorum. Ideo preceptum est vicecomite quod faciat eum venire a die Pasche in xv dies coram Rege vbicunque etc. ad audiendum recordum etc.

The action is between the Prior of Christ Church and Archbishop Boniface. A well-known charter of William Rufus (Davis, *Regesta* No. 338) is produced in court : it is ascribed to the Conqueror, and Anselm is stated to be Archbishop at the time. The charter is made to begin : W. dei gracia etc. An excellent example of mediæval diplomatic.

[5] *Ibid.*, m. 8d. Printed below, p. 60.

[6] *Assize Roll No.* 911. In January he will sit at Chichester and take more Sussex business, but there will still be some left which he will hear at London : *Assize Roll No.* 537. The former roll in particular contains a great variety of information of historical interest. I may draw attention to an early reference to an organised legal profession in London (m. 6d.) : Symon . . . adiuit Londonias et ibi colloquium habuit cum quodam Ranulpho de Nassenton' et aliis aduocatis ad suscipiendum

Octabis Purificacionis beate Marie vbicunque, etc.[1]: we turn over the membrane and find a case where Roger le Bygod, Marshal of England, is claiming his right to the custody of all prisoners adjudged to prison before the Chief Justice and see that it is adjourned *ad proximum parleamentum quod erit in Octabis Purificacionis beate Marie*, when the matter will be considered by the "magnates de consilio Regis."[2]

Although we should have liked these two references to Parliament to have been much expanded, they yet supply valuable information. They are conclusive evidence that the regular judicial sessions of Parliament go back to the beginning of 1259, and, we may suggest, beyond that date. For if Parliament in its judicial aspect had been a new thing, the clerk who wrote the Kent roll of 1259 would surely not have contented himself with a brief and formal note: his entry would not have had an air of matter of course which seems to refute any idea of innovation.[3] The second entry tells us something more than the first: the Parliament to which the case is adjourned is clearly one of a recurring series—"the next Parliament, that is the one to be held at the octave of the Purification"—and indeed the date assigned would correspond with one of the sessions of Parliament provided for at Oxford in 1258,[4] for the Purification and la Chandelur are one and the same day. The session of the King's Bench, it will be observed, would coincide with that of Parliament: but nevertheless the two courts are sharply distinguished, however intimately they are related.[5]

We may, however, find in a Curia Regis Roll[6] a record of

defensionem predicte cause, ita quod idem Symon . . . apposuit in salariis aduocatorum et aliis expensis circa defensionem predicte cause . . . xx libras. The action was in a Court Christian.

[1] *Assize Roll No.* 911, m. 3.

[2] *Ibid.*, m. 6. Printed below, p. 61.

[3] *Cf. Liber de Antiquis Legibus*, p. 26: posuit eis diem inde usque ad parliamentum in media XL^{a} apud Londonias (1257).

[4] *Select Charters*, p. 392.

[5] It is of interest to observe that even at the end of the fourteenth century a clerk of the King's Bench thought it worth while to note the coincident sessions of that court and Parliament. *Docket Roll* 13–22 *Ric. II, Ind. No.* 1322, m. 9d.: Memorandum de termino sancti Hillarii apud Westmonasterium anno regni regis Ricardi secundi decimo septimo, parliamentum tunc ibidem; *see also* m. 7d.

[6] *No.* 167, m. 26: printed *English Hist. Review*, xxxvii, 81, 320 (corrections).

proceedings at a parliament in 1260—*ad parleamentum a die sancti Iohannis Baptiste in XV dies anno . . . quadragesimo quarto, scilicet die sancte Margarete*—which is not one of the three regular parliaments, if we may so term them [1]: it is an additional meeting, such as was to be summoned by the king "quant mester serra," [2] the occasion being an attempted settlement of the *contentiones* between the king and Simon de Montfort, and possibly the Welsh war.[3] The same roll furnishes a reference also to the parliament immediately preceding, which had been called by the Barons to meet in three weeks from Easter [4]: whatever other matters claimed attention then, it is quite clear that there was every expectation that the business would include judicial work [5]—might we say the normal judicial work of Parliament? [6]

But we have passed over another reference in our Sussex roll to Parliament. At the session at Lewes on 12 December, 1260, a plaintiff complained of the infringement of that clause of the provisions of Westminster which prohibited the taking of fines for beaupleder: "cum per provisionem in generali parleamento domini regis nuper factam per consilium procerum et magnatum regni Anglie prohibitum sit ne aliqui denarii dentur pro pulcre placitando in curia regis uel in alia quacumque curia." [7]

[1] Circumstances did not permit the faithful observance of the scheme for regular parliaments. The absence of the king, for example, prevented a parliament being held in February, 1260, much to the discontent of the baronial party. A parliament was therefore convened for 25 April: as a consequence the next parliament was not convened until 8 July (Shirley, *Royal Letters*, II, 155: *Liber de Antiquis Legibus*, pp. 44, 45). But that there was every intention to keep the scheme alive may be deduced from such a phrase as "in proximo parliamento nostro Londoniis primo die Iunii" to be found in a writ of 19 March, 1265: *Close Roll No.* 82, m. 7; *Fœdera*, i, 449.

[2] *Select Charters*, p. 392.

[3] So Stubbs, *Constitutional History*, II, 86: but the only evidence he cites is the writ printed in *Fœdera*, i, 398.

[4] *Liber de Antiquis Legibus*, p. 44.

[5] *Curia Regis Roll No.* 167, m. 10. Printed below, p. 62.

[6] In protesting to the Barons against a parliament being held in his absence, the king expressly concedes "quod iustitia communis omnibus et singulis in regno nostro per Hugonem le Bygod iusticiarium Anglie . . . exhibeatur, mediante consilio vestro," but there is to be "nulla nova mutatio siue ordinatio . . . in regno nostro sine nostra presentia et consensu." This indicates clearly what were understood to be the (dual) functions of parliament: *Close Roll No.* 76 (44 Hen. III), m. 3d.; Shirley, *Royal Letters*, II, 155.

[7] *Assize Roll No.* 911, m. 3d.

Generale parleamentum is not a term to be found on the Close Roll where the provisions of Westminster are enrolled [1]: but if it is not a term of art it is rapidly in process of becoming one, and the writs for the first parliament of Edward I [2] and the statute there made [3] will bear witness to the fact. And whether or not a general parliament [4] differs in any respect from a parliament *tout court*, it seems clear that the *generale parleamentum* which was sitting at Westminster on the quinzaine of St. Michael, 1259, was one of the three annual parliaments for which the Barons had stipulated.

But to return to the period common to Year Books and Plea Rolls. Not more than a passing reference is necessary to the many entries on the rolls which record the proceedings on petitions to the Council and to Parliament and which illustrate the relations of these courts with the King's Bench, the Chancery and the Exchequer.[5] Such entries may be found well into the fifteenth century.[6] A few cases of a different nature may be selected to supplement the illustrations already given of the kind of information which the rolls will afford. We may first notice the well-known action against the Bishop of Winchester who withdrew from Parliament without licence and who refused to plead "in minori curia quam in parliamento," when he was summoned before the King's Bench. This case is to be found both in the Year Books and the Plea Rolls[7]: but Mr. Pike observed, "There was an adjournment and the sequel does not appear." [8] The sequel does, however, appear in the Controlment Roll: "Cesset processus per breue Regis." [9] The bishop

[1] *Close Roll No.* 75 (44 Hen. III), m. 17d.; *Statutes of Realm*, i, 8.

[2] *Parliamentary Writs*, i, 1; *Engl. Hist. Rev.*, xxv, 236. Prof. Pollard is inexact in stating (*Evolution of Parliament*, p. 47) that "down to 1300 the word 'parliament' is not mentioned" in the writs printed by Palgrave.

[3] *Statutes of Realm*, i, 26.

[4] *See Liber de Antiquis Legibus*, p. 44, for another example of the term, applied to the Parliament convened for 25 April, 1260.

[5] *E.g. Exchequer Plea Roll No.* 54 (1 Edw. III), mm. 2, 3: *Coram Rege Roll No.* 283 (Hil., 3 Edw. III), m. 33, Rex, mm. 28, 29; *No.* 468 (Hil., 1 Ric. II) Rex, m. 17.

[6] *Coram Rege Roll No.* 646 (Mich., 1 Hen. VI), Rex, m. 25: this contains a good example of the interrogatory process employed in the Council.

[7] *YB. Easter*, 3 *Edw. III* (ed. 1562), ff. 81, 82 (No. 32): *Coram Rege Roll No.* 275 (Hil., 3 Edw. III), Rex m. 1, *No.* 276 (Easter), Rex, m. 9d. The latter entry is printed by Coke, 4 *Inst.*, pp. 15, 16: his remarks (p. 17) on the inadequacy and faults of the report are instructive.

[8] *Const. Hist. of House of Lords*, p. 242.

[9] *Controlment Roll No.* 1, m. 21.

had the reward of his firmness, and the judges, whose jurisdiction he denied, did not proceed to judgment. A few years later there is a record on the Coram Rege Roll of a trial "coram consilio domini regis apud Westmonasterium in pleno parliamento regis tunc conuocato," and we find that the time of Parliament is taken up with an assault on the chancellor's chamberlain in the chancellor's presence at Ely Place "in contemptum domini Regis mille marcarum."[1] We turn to a roll of Richard II and notice Gilbert Talbot, *chevalier*, and the Prior of Rochester being sent to the King's Bench "per auisamentum magnatum et aliorum de consilio domini Regis in presenti parliamento existencium" to find security for their good conduct.[2] Such entries as these help us to appreciate the character of the work performed by Parliament as a court of law and serve to put in a more correct focus the record of the proceedings on the Parliament Rolls. And we get light too on what Stubbs has called "Parliamentary Antiquities": as an example we may cite an action in the Exchequer where the knights of the shire for Dorset in the Good Parliament sue the sheriff for the balance of the expenses allowed to them which amount in all to the sum of 32*l.*; they allege that they have been paid 10*l.* only, and in the pleadings we are given an account of the proceedings in the county court—how the knights agreed with the sheriff that the bailiffs of the county should collect the money and how the knights appointed a receiver on their behalf, the sheriff claiming that in this way he was free from further responsibility.[3]

Some at least of the details here collected are, it may be excepted, rather trivial. But details, even apparently trivial details, have their value in aggregate: and where shall we find much more in the Year Books?

ILLUSTRATIVE DOCUMENTS

I

Assize Roll No. 362, m. 8, 8d.

Placita de Querelis coram Hugone le Bygod Iusticiario Anglie apud Cantuariam die dominica proxima ante festum sancti Hillarii anno xliij.

[1] *Coram Rege Roll No.* 315 (Hil., 13 Edw. III), Rex, m. 22d.

[2] *Coram Rege Roll No.* 467 (Mich., 1 Ric. II), Rex, m. 6. For a similar case, where the Council intervenes—"per consilium domini Regis missi"—*see Coram Rege Roll No.* 470 (Trin., 1 Ric. II), Rex, m. 13d.

[3] *Exch. Plea Roll No.* 96, m. 216.

Hundredum de Larkefeld'.

* * * * *

Willelmus filius Alexandri de Preston Archiepiscopi queritur de Henrico Louell' quod cum idem Willelmus amerciatus esset ad j. marcam pro quodam falso appello quod idem Willelmus fecit coram Henrico de Bathonia et sociis suis et soluisset predictam marcam, predictus Henricus postea distrinxit ipsum pro xx.s. quos non debuit.

Et Henricus venit et bene cognoscit quod distrinxit ipsum pro xx^ti^ solidis et hoc per summonitionem de Scaccario vnde dicit quod idem Willelmus alias implacitauit ipsum coram Baronibus de Scaccario de hoc quod iniuste distrinxit ipsum pro predictis xx.s. Et tunc conuictum fuit coram eisdem Baronibus quod iuste distrinxit ipsum. Et de hoc ponit se super rotulos de Scaccario. Ideo datus est dies ad parleamentum. Et tunc querantur rotuli de Scaccario [ad parleamentum *in margine*].

II

Assize Roll No. 911, m. 6.

[Placita de Querelis et Assisis coram Hugone le Despenser apud Cycestriam.[1]]

Rogerus le Bygod Marescallus Anglie venit per Walterum de sancto Edmundo seruientem suum et petit custodiam omnium prisonum qui adiudicantur prisone coram capitali Iusticiario vna cum exitibus imprisonamenti illius siue in itineribus ipsius capitalis Iusticiarii per totam Angliam siue coram domino Rege. Et vnde idem Walterus dicit quod predictus Marescallus dominus suus fuit in pacifica seisina toto tempore Hugonis le Bygod quondam capitalis Iusticiarii in diuersis itineribus suis per Angliam. Et quia Hugo le Despenser capitalis Iusticiarius vult quod nichil preiudicetur domino Regi in hac parte nec scit vtrum custodia predicta et exitus predicti pertineant ad dominum Regem seu ad predictum Marescallum, ideo dictum est predicto Waltero quod omnes exitus prouenientes ex huiusmodi imprisonamentis in itinere ipsius Iusticiarii ante proximum parleamentum quod erit in octabis purificacionis beate Marie promptos habeat ad idem parleamentum ad reddendum domino Regi uel predicto Marescallo domino suo secundum quod magnates de consilio Regis considerauerint et ibidem similiter discuciatur de custodia predicta.

[1] From m. 6d.

III

Curia Regis Roll No. 167 (Easter, 44 Hen. III), m. 10.

Adhuc de quinta septimana Pasche et de Crastino Ascensionis domini.

* * * * *

Kancia. Abbas de Feuresham per attornatum suum optulit se iiij^{to} die uersus Ricardum le Iouene [*and twenty-one others*] homines ipsius Abbatis de Fauresham de placito quod teneant ei finem factum in curia regis coram rege apud Westmonasterium inter eundem abbatem querentem et predictos homines suos impedientes de eo quod iidem homines sui facerent ei consuetudines et seruicia que ei facere debent de liberis tenementis suis que de eo tenent in Fauresham, et de eo quod iidem homines sui libertates nouas et plures super ipsum Abbatem vsurpauerunt contra libertates eiusdem Abbatis vnde cyrographum etc. Et ipsi non veniunt etc. Et plures fecerunt defaltas. Ita quod preceptum fuit vicecomite quod distringeret eos per omnes terras etc. Et quod de exitibus etc. Et quod haberet corpora eorum ad hunc diem. Et vicecomes mandat quod nichil inde fecit eo quod dominus Rex ei mandauerat per breue suum quod districcionem illam poneret in respectum vsque ad presens parlamentum scilicet usque nunc eo quod voluit tam ipsi abbati quam hominibus suis predictis plenam coram eo in hac parte exhibere iusticiam etc. Et ideo sicut prius preceptum est vicecomite quod distringat eos per omnes terras etc. Ita etc. donec etc. Et quod de exitibus etc. Et quod habeat corpora eorum a die sancti Iohannis Baptiste in tres septimanas. Et super hoc veniunt balliui libertatis quinque portuum et petunt inde curiam suam etc.

The case is continued on *m.* 24, and there is a further adjournment. Et vicecomes nichil inde fecit set mandat quod predicti Ricardus, Willelmus et omnes alii sunt de libertate quinque portuum quam nullus vicecomes ingreditur. Et ideo preceptum est Hugoni le Bigod custodi predicte libertatis quod faciat eos venire a die sancti Michaelis in vnum mensem vbicunque etc.

There seems however to be no reference to the case on the roll for the Michaelmas term (*Curia Regis Roll No.* 168).

APPENDIX B

BIBLIOGRAPHICAL NOTE

Year Books. A Year Book Bibliography was printed by C. C. Soule in the *Harvard Law Review*, vol. XIV, and has been reprinted as a separate pamphlet. This deals principally with the old editions of the Year Books. A list of modern editions is given by C. Gross, *Sources and Literature of English History*, No. 2053 : since the second edition was published a few more volumes of the Year Books of Edward II have appeared in the Selden Society's series. The *Graunde Abridgement* of Anthony Fitzherbert (1514 and many later editions) is an invaluable digest of, and guide to, the Year Books, and despite its many deficiencies is never likely to be superseded : the revised versions of Robert Brooke and Henry Rolle, designed to bring Fitzherbert up to date, are not so useful to the modern student of the Year Books as the original, but are well worth consulting for the additional matter which they contain, most of it from later reports but some from extraneous sources. David Jenkins' *Eight Centuries of Reports* (fourth edition, 1885) is a collection of appeal cases (and some others), nearly half from the Year Books, arranged in order of date, with a useful subject index.

The accessible manuscripts of Year Books are in various collections—the British Museum, the Bodleian, Cambridge University Library, the Inns of Court, and a few elsewhere. Nothing in the nature of a census or general catalogue of manuscript Year Books has been published ; but certain of the introductions to modern editions contain valuable information relating to other manuscripts than those of the texts with which the editor is immediately concerned, e.g., Mr. G. J. Turner's Introduction to Vol. VI of the Selden Society's Year Book Series and Mr. G. F. Deiser's Introduction to the *Year Books of 12 Richard II.* The most extensive collection is that at the British Museum, and the detailed catalogue (in manuscript), now in progress, promises to be of great value. The Year Books not

being of official origin, no manuscripts are in the Public Record Office.

Plea Rolls. Guides and Indexes. As a general guide to the Plea Rolls we have certain sections (pp. 150, 253 ff.) of the official *Guide to the Public Records* and the *List of Plea Rolls*.[1] The former is inadequate and in places inaccurate [2]: but it is now under revision and the errors may be expected to disappear. The *List of Plea Rolls* would be improved by the insertion of additional notes of printed texts, the present references being confined to the *Rotuli Curiæ Regis* published by the Record Commission. The worst feature of the List [3] is the heterogeneous mass of documents placed together "under the general title of 'Eyre Rolls, Assize Rolls, etc.'" [4] Miss H. M. Cam's recent *Studies in the Hundred Rolls*, however, contain a provisional list of Eyre Rolls from 1194 onwards,[5] and Miss B. H. Putnam has identified many of the proceedings of Justices of the Peace and Justices of Labourers: [6] but much more needs to be done in the way of classification and arrangement before this jumble of 1,500 odd rolls and files can become reasonably easy to consult. It may be noted also that there is no clear division between the documents included under this "general title," those in the class entitled "Ancient Indictments," [7] and those among the *Gaol Delivery Rolls*: this last class includes subsidiary documents of the same type as those to be found among *Ancient Indictments*,[8] which, moreover, contain *inter alia* rolls of Justices of the Peace and of Oyer and Terminer. It is to be hoped that when the List is again reprinted, it will be thoroughly revised and the classification reconsidered.

It may not be impertinent to remark that once in the posses-

[1] And, in brief compass, the section on Judicial Records in the *Repertory of British Archives*, pp. 65 ff.

[2] *See* as to Controlment Rolls, L. W. V. Harcourt, *The Baga de Secretis*, *Engl. Hist. Rev.*, xxiii, esp. p. 511; n. 17: as to Eyre Rolls, H.M. Cam, *Studies in the Hundred Rolls*, p. 79: as to Docket Rolls, *below* p. 65.

[3] *See* Mr. L. O. Pike's criticism on other points: *Report of R. Commn. on Public Records*, I, iii, 164.

[4] The whole class is, however, officially known as *Assize Rolls*, and this compendious (but inaccurate) title is used in this paper.

[5] Appendix III, pp. 103 ff.: and see pp. 74 ff. for an account of the records of Justices of Trailbaston.

[6] *Engl. Hist. Rev.*, xxviii, 321 ff., xxix, 480–1.

[7] *Ibid.*, xxix, 479 ff.

E.g. Gaol Delivery Rolls Nos. 216, 217: 216/1 contains proceedings before Justices of the Peace.

sion of a complete and well classified list of rolls and subsidiary documents, the student needs little further guidance to cases bearing upon historical events of magnitude, such as the Rebellions of 1381 and 1450 : indeed the rolls are not of such vast bulk as to preclude search in them for material bearing upon any considerable event the date of which is known. Difficulty arises where the subject of enquiry is local history or a social or political movement or institution of long duration or slow development. This is true not only of the King's Bench but of all other courts as well, although historical events will be reflected in a different way in the records of the different courts.

For detailed indexes and abstracts we are still chiefly dependent upon the work of Agarde and past generations of record keepers. Lists of them are to be found in the official *Guide* (pp. 273 ff., 290 ff.). The most helpful are the indexes to the *Curia Regis* and *Coram Rege Rolls*. To the end of Edward II's reign these are printed in the *Abbreviatio Placitorum* : volumes 35, 36 and 37 of Agarde's Indexes carry the work up to the end of the fourteenth century. No one who has not collated plea roll entries with abstracts in the *Abbreviatio* or in the manuscript indexes can appreciate how inadequate these may be : they are valuable because there is nothing to take their place, but their omissions—particularly those of the *Abbreviatio*—are many and strange beyond any conjecture of a plan lying behind. Yet how serviceable Agarde's Indexes may be will be clear from Mr. C. T. Flower's Introduction to the first volume of his *Public Works in Mediæval Law*. To the *Coram Rege Rolls* of the fifteenth century there is no index of any sort : the so-called *Docket Rolls*, to which reference is made in the *Guide*,[1] are the memoranda of one of the clerks of the King's Bench and relate only to the membranes which bear his name on the plea rolls.[2] They appear to have descended to each successive occupant of the office and are of some interest from the light they throw on the organization of the court, but they have no value for any other purpose.

Those volumes of Agarde's and Le Neve's Indexes which deal with the rolls of the Court of Common Pleas are of little use except for genealogical and topographical purposes : in any case they deal with isolated years or reigns. An Index to the *Placita*

[1] P. 259.

[2] Indexes Nos. 1322–7 : they bear such headings as, " Memorandum Iohannis Hulton " : " Memorandum Iohannis Hulton et Hugonis Halgot." *Cf. Guide*, p. 266.

de Banco of the first two years of Edward III was printed in 1909: it has been very adversely criticised by Mr. L. O. Pike,[1] and although it may be used as a guide to matters other than genealogical or topographical, it is not a model to be followed. What is required above all is a *subject* index to the rolls.

To the Exchequer Plea Rolls[2] rather more guidance is afforded by a modern "Catalogue of Enrolments" (in manuscript) containing abstracts of a selection of entries from Edward I onwards, and a contemporary repertory from 14 Henry IV to 14 Henry VII which gives the names of the parties and the nature of the action. The Plea Rolls of the Exchequer of the Jews have been calendared by Mr. J. M. Rigg, who has also printed extracts in a volume published by the Selden Society.

Texts.[3] The Record Commission commenced the publication of the rolls of the Curia Regis: rolls for various terms between 1194 and 1200 were printed and then the work stopped. "The nation put its hand to the work and turned back, fainthearted."[4] The Pipe Roll Society many years later took up the task and printed three rolls of 1194–5 under Maitland's editorship: apart from the use of record type, this is the most satisfactory of editions. A further roll, of Hilary term, 1196, was also printed by the Society as an expiring effort in 1900: the Society revived but the printing of plea rolls was dropped. The work has now been taken up afresh by the Public Record Office: the object is to fill the gaps left by the Record Commission and Pipe Roll Society and to continue with subsequent years at least to the end of the reign of John. It is to be regretted that the opportunity has not been taken to publish the rolls from the beginning in chronological order: but it is a great deal to have the work continued.

In the meantime the Selden Society have published two volumes of selections from the rolls of the Curia Regis and the early Assize Rolls—*Select Pleas of the Crown* and *Select Civil Pleas*—as well as selections from other plea rolls, the most noteworthy being *Public Works in Mediæval Law*, which consists chiefly of extracts from the Coram Rege Rolls, and Mr. Rigg's volume mentioned above.

[1] *Ubi supra*, p. 165.

[2] The Memoranda Rolls which record many actions, of great historical interest, heard in the Exchequer are not classified as Plea Rolls.

[3] A list of printed texts will be found in Gross, *op. cit.*, pp. 451 ff. Very little has been added since.

[4] Maitland, *Bracton's Note Book*, i, 11.

The Abbreviatio Placitorum, another work of the Record Commission, includes full texts among its abstracts. No indication is, however, given of the extent to which the text is reproduced: many terms for which rolls exist are unrepresented and some rolls are misdated: it is necessary therefore to use the volume with caution. The Index Society published as a jubilee volume the roll of the King's Bench for Trinity term 1297: a rather forlorn monument of national pride. Texts and translations of Assize Rolls have been published by local societies and private persons: and extracts from plea rolls are to be found in a number of books from the seventeenth century onwards, to some of which reference has been made in the preceding pages.

The most notable of texts published by private effort is *Bracton's Note Book*, which reproduces a nearly contemporary transcript of many of the entries on the Curia Regis and Assize Rolls from 1217 to 1240. The value of this work is universally recognized: it contains careful extracts from several rolls that have since disappeared: it represents the devoted labour of the greatest of the historians of English law: but it may nevertheless serve to illustrate the disadvantages of the unsystematic publication of texts which has, with the few exceptions already mentioned, been hitherto the only way in which the contents of the plea rolls have been made available to the general student. Maitland indeed seems to have regarded the book, from one point of view, as a stop gap, as a selection of texts which would serve until complete texts were published: its value for Bracton criticism is a separate question.

One of the best-known and most interesting of plea rolls is that now known as *Curia Regis Roll No.* 115*B*, covering the terms from Trinity 1234 to Easter 1235. From it Mr. J. M. Rigg printed the famous case before the King's Council concerning the circumcision of a Christian child by Jews of Norwich,[1] and Maitland the inquisition into the murder of Henry Clement.[2] From it *Bracton's Note Book* takes other twenty-six cases,[3] one of them recording the proceedings at the king's council on 12 October, 1234, when the ordinance concerning bastardy was enacted. This case had already been printed *twice* by Sir Travers

[1] m. 22. Select Pleas of the Exchequer of the Jews (Selden Soc.), p. xliv: *see also* Prynne, *Demurrer*, i, 19 ff.

[2] m. 34d. *Engl. Hist. Rev.*, x, 294 ff.; *Collected Papers*, III, 11 ff.

[3] III, 123 ff.: one case, No. 1128, in the *Note Book* seems not to be on the roll.

Twiss in his edition of Bracton : [1] he did not, however, print any of the other proceedings which took place at the same meeting of the Council, nor the proceedings at a Council meeting of 6 October which are intimately connected with those of the twelfth. *Bracton's Note Book* includes a good deal but not all of the business transacted at the two Councils : the text is garbled and there is an interpolation upon which Maitland expended much learning. Maitland, of course, was under no misapprehension as to the relations of the record and the Note Book [2] ; but even so acute a scholar as Prof. Baldwin has accepted the interpolation as part of the record : [3] and the significance of the formulas employed in recording the proceedings at the two Councils appears to have been obscured by the manner in which the text is presented.[4]

It seems clear that the specially afforced Council which considered the question of bastardy, ratified also ordinances relating to the assizes of *darrein presentment* and *utrum*, already settled at the meeting held six days before. The formulas employed appear to tell us as much : they are, we may be sure, used advisedly and are not whims of the clerk. At the earlier Council the formula is " prouisum est coram Domino Rege," etc. : at the later Council the ordinance concerning bastardy is prefaced " prouisum fuit et concessum," but the other ordinances need only the word " concessum "—they have already passed through one stage.

Immediately following these entries on the roll is another entry [5] (absent from the Note Book) which must, it would seem, have some connexion with the ratification of the ordinance concerning the assize *utrum*. The bishop-elect of Hereford, who is present at the Council, comes forward and concedes the king's right to appoint to a prebend which had become vacant while the see was in the king's hands, but which the bishop had appar-

[1] *De Legibus* (Rolls Series), II, 606 ff. ; VI, 510 ff.

[2] *Bracton's Note Book*, i, 110 ff.

[3] *King's Council*, p. 60 : " Among these [ordinances] is found the well-known answer of the barons concerning the proposed change in the law of bastardy, *quod nolunt leges Anglie mutare que usitate sunt et approbate*."

[4] Prof. B. G. Adams, with the *Note Book* before him, inclines to the view here expressed, but says : " exactly what took place in October, 1234, is not clear enough to enable us to affirm anything with certainty " (*Origin of the English Constitution*, p. 199). To me, on the contrary, the actual record on the Plea Roll seems to be clarity itself.

[5] *Curia Regis Roll No.* 115*B*, m. 16d.

ently disposed of elsewhere. And then after another entry, with which seemingly the Council have nothing to do, follows a case (also absent from the Note Book) "coram Domino Rege et Domino Cantuariensi Archiepiscopo, Episcopis, Comitibus, Baronibus tunc presentibus et aliis magnatibus Anglie," which concerns a dispute between Florentine merchants and their agent: some difficulty was clearly felt as to the status of the plaintiffs who express themselves content "quod secundum consuetudinem Regni Anglie deducantur et iusticiam habeant." Doubtless in due course this case will be printed, like other cases from this same roll, to illustrate some special point touching, let us say, the Law Merchant or the Italian merchants in England: but what such piecemeal publication will not illustrate is the constitution and day by day work of the King's Council, nowhere better displayed than on the one membrane which records, among much else, the acts of the two meetings of 6 and 12 October, 1234.

We are slowly learning that our conception of the history of any period is likely to be out of focus unless we have unravelled the system of public administration: isolated extracts from plea rolls will not greatly help us to understand administrative history, and we may misunderstand the extracts because we have not the context before us. In the plea rolls of the thirteenth century lies much of the history of Parliament and the Council, of courts and institutions of all kinds and degrees, history for which we shall look in vain elsewhere. Yet to look for it in the unprinted plea rolls is laborious and possible only to the few. "Foreigners print their records; we, it must be supposed, have too many records to be worth printing; so there they lie these invaluable materials for the history of the English people, unread, unknown. . . ." [1] We should, however, deplore the expenditure of time and labour represented by scattered extracts, some indeed already printed twice or thrice, which will be printed yet again when the full texts are published; for we cannot but believe that before many years are over all the plea rolls will be printed to the end of the reign of Henry III. The task is by no means a gigantic one, for time has wrought sad ravages, and many of the surviving rolls consist of but a few membranes.

In later reigns the rolls increase in number and bulk and seem to strike terror in many breasts: and seeing that so little has

[1] *Bracton's Note Book*, i, 11.

been attempted since the seventeenth century to render them accessible, perhaps some gratuitous and irresponsible advice may be excused. It is not to be expected that the rolls will be printed in full: but those of the King's Bench and the Exchequer of the Pleas should certainly be calendared to the end of the reign of Henry VII.[1] Most of the entries could be dealt with as briefly as the bills and answers in the *List of Early Chancery Proceedings*: many, which give no material information, might be treated even more summarily. The average number of membranes to each Coram Rege Roll appears to be under a hundred, and the average number of entries to the membrane is probably not more than a dozen; or, for an average year, between four and five thousand entries, which could be dealt with adequately in something like two hundred pages of an ordinary Public Record Office calendar. The *Exchequer Plea Rolls* would demand but a fraction of the space required by the *Coram Rege Rolls*. The rolls of the Common Bench are of far less importance for constitutional, administrative and general history and their bulk is far greater than the rolls of the King's Bench: that eight rolls of the Common Bench were first selected for indexing—and by a topographical scheme—was doubtless due to that reverence for the needs of the genealogist and antiquary which has so strangely persisted for so many years: but the Common Bench might well wait until the rolls of other courts (not excluding the rolls of justices in eyre) had first been dealt with. Neglecting the Common Bench, the whole undertaking would be no greater than the calendaring of the Chancery Rolls, now within sight of completion. There are doubtless other claimants for attention, and mediæval history is slightly out of fashion: but the claims of others must indeed be great if the Plea Rolls are to give place to them.

[1] I suggest this reign as the *terminus ad quem* for reasons indicated in the *Repertory of British Archives*, p. 65.

THE POLITICAL THEORY OF THE INDIAN MUTINY

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The "Mutiny" was the summary of the rise of the British in India, and, as the cry of the Sepoys at Meerut was "Delhi, Delhi," it is in Delhi that the key to a political theory must be sought.[1] The scope of this paper is limited, therefore, to the light thrown upon the subject by "the proceedings of the trial of the King of Delhi."[2] Its object is to examine afresh this document as a test for a theory of the relations between the East India Company and the Mughal Empire, and consequently of the nature of the rise of the British in India.

No theory, it is suggested, has yet given an adequate explanation of the outstanding fact that, between the death of Aurangzēb in 1707[3] and the outbreak of the year 1857, there was no sign of concerted opposition to the British in India, save the attempts made by Haidar 'Alī and his son Tīpū. And, moreover, that these attempts produced the opposite effect to the one desired, in that they brought together the Company and the rest of the Mughal Empire.[4]

Further, the intervention of Persia and other northern

[1] For a summary of the opening events at Meerut, *v.* T. R. E. Holmes, *A History of the Indian Mutiny* (London, 1885), p. 99 f.

[2] Accounts and Papers, "*East India* (*Parliamentary Series*), *Copy of the Evidence taken before the Court appointed for the Trial of the King of Delhi*." 1859, No. 162, cited as "*Trial*."

[3] J. Talboys Wheeler, *Early Records of British India* (London, 1878), pp. 109 ff.

[4] *Viz.* The Mahratta Confederacy, the Deccan, the Carnatic, Bengal. Oudh was in alliance with Bengal. The Sikhs, too, promised 5,000 horse. *I.O. Home Misc.*, Vol. 556, p. 37.

Muslim powers in the affairs of Delhi during the eighteenth century coincides with some advance of the *Kāfir* against the Mughal Emperor. No intervention appears between the years 1761 and 1857, except the rebellion of Ghulām Qādir in 1788 and the menace of Zamān Shāh ten years later. Both of these appear to have been made at the instigation of Tīpū Sāhib,[1] the anti-*Pādishāh*—to adopt a term used in Papal history—of the Mughal Emperor, Shāh 'Ālam.[2] This feature of the northern irruptions of the century seems to have escaped the notice of historians, although, in the case of Nādir Shāh's invasion, contemporary records show that the *Nizām ul Mulk* found it necessary to intrigue with the Mahrattas to advance into the *Khāliṣa* lands of the Mughal Emperor in order to furnish a valid pretext for inviting Persian intervention.[3] In addition, the battle of Pānipat (1761) was a direct consequence of the predominance of Mahratta influence in the counsels of the *Wazir* Ghāzīuddīn and their consequent advance into the Panjāb—since 1739 regarded as a Persian Province.[4] Similarly the troubles of 1857 seem to be, at least chronologically, connected with the advance of the Company into Oudh.

In 1857, however, the concerted outbreak occurred, together with the threat of a Persian advance, which was only stopped by the Anglo-Persian War and the pro-British

[1] J. F. Michaud, *Histoire de . . . l'empire de Mysore* (Paris, 1801–9), I, pp. 246 ff.

[2] L. Rice, *Mysore*, I, pp. 399–400. On the claim to *Quraish* descent, thereby qualifying for the title of *Khalīfah*, *v.* Mīr Hussain 'Alī Khān, *History of Hydur Naick*. Tr. W. Miles (London, 1842), p. 1. For Sindia's view of this step, *I.O. Home Misc.*, Vol. 556, pp. 37, 41, 47, etc. Moodajee "wished to know . . . whether . . . the English intended to permit Tippoo to become Sultaun of India." Tīpū's attempt to link himself with the Sultān of Rūm points to a recognition of the Turkish Caliphate—in other words, an eighteenth century *Khilāfat* Movement.

[3] J. Fraser, *The History of Nadir Shah* (London, 1742), pp. 68 f., 131, 138. *MSS. Bibl. Nat.* (Paris) *Fonds. Fr.* 8971, fo. 21b. ff. Grant Duff (ed. 1921), I, 398 ff. Elphinstone, *History of India* (ed. Cowell, 1905), p. 702, n. 32, however, does not give credit to these allegations. His dismissal of the subject is not convincing.

[4] Elphinstone, *op. cit.*, pp. 700 ff. *Shāh 'Ālam Nāma* (B. Ind.), pp. 32, 170 ff.

attitude of Afghanistān. The problem then is to discover the reason for the simultaneous appearance of these factors at this point.

The solution, it is suggested, involves a radical revision of accepted theories of the rise of the British in India. For the last century and a half, Indian history has been represented in Europe almost entirely by the propaganda of the Trading Companies, which approached Indian politics and states under the influence of the Colonial System of Western Expansion.[1] Their much reiterated conclusions have been accepted as axiomatic—even by Indian students—and no effort has been made to examine the biassed judgments of Merchants on the subject of oriental monarchy. In the eighteenth century, it is true, Anquetil Duperron strove hard to secure historical justice for the East, while in England, Verelst and another writer (probably James Macpherson)[2] strove in vain in a narrower sphere. Later Mill attempted to check the progress of the growing contempt for oriental monarchy, but inaccuracy in detail and antagonism towards Warren Hastings have been allowed to obscure much work that is really valuable. The final blow came in 1835 with the acceptance of Macaulay's Minute on Indian Education, against the advice of the " orientalists," and the consequent victory of the English point of view in the East.

The obliteration of oriental monarchy, its rights, duties, and virtues, by a parade of its vices was not without cause. The East India Company was never really popular in England.[3] To justify its existence, therefore, in the eyes of the British public, it was forced to assume an imperialistic rôle and claim to have acquired territory for the nation. To attain this object, it evolved a fictitious history of India, until, in the first half of the nineteenth century, side by side there existed a politically effective Empire with an accepted

[1] Anquetil Duperron, *Législation Orientale* (1778), pp. 87 f.

[2] *V. Dict. Nat. Biog.*, xxxv, 261 f.

[3] As shown in the opposition to the renewal of the Charters. *See also* Cobbett's *Annual Register*, April, 1804 ; Feb., 1806 ; Feb., 1813, etc. : a selection of extracts from this paper was printed in 1857.

history of its non-existence. The Mughal Empire suffered at the hands of the eighteenth century the fate of the Holy Roman Empire.

To account for the rise of the British in India, culminating in the combination in 1857 of the factors already noticed, the theory [1] here suggested is the continuity of the Mughal Empire down to the deposition of Bahādur Shāh II in 1858, as an effective source of political authority and as the suzerain *de jure* of the East India Company in the capacity of *Dīwān* of Bengal, arrogating the title of the British Government in India. In short, that the source of the Company's authority in India lay, not in the Charters of the King of England, nor in the Acts of the British Parliament, nor in the sword, but in the *farmāns* of the Mughal Emperor. That his authority was primarily religious, and political authority fell within the sphere of religious authority. That all honour, claimed by the Company against the Emperor, belonged to the Emperor, its suzerain. That all censure and opprobrium levelled against him recoils on the Company, his disloyal vassal, since his difficulties arose mainly from its intrigues and from the fact that after 1772, the Company withheld and converted to its own use, the revenues of the richest provinces of his Empire.

Secondly, the artificial extension of the Mahratta rebellion beyond the year 1720, by which it was possible to portray as a monster of tyranny Sindia, the only loyal vassal of the year 1788. In consequence, that it was possible for the Company, in the eyes of India, to play the part of a repentant vassal returning to the loyalty of the Mughal Emperor, while in Europe, it posed as the representative of the British

[1] Mr. W. Foster, C.I.E., of the India Office, in the discussion after this paper, suggested that the point of view here worked out was perhaps too theoretical, and that the issue was really practical. I suggest in reply that the policy of the Company throughout India, at any rate, from 1757, was against the political stability of the Empire; its attacks on various vassals from 1813, its modification of courts, legislation on religious matters, etc., all showed a serious misunderstanding of the *temper* of the Mughal Army and State, of which it was a part. *Cf.* W. Edwards, *Reminiscences of a Bengal Civilian* (London, 1866), pp. 305 ff.

Government whose protection it professed to proclaim over the 'King of Delhi' and to allege that he had become a "subject" and a "pensioner" of that Government.

Thirdly, that owing to the ignorance of Indian language and conditions, governors-general, who succeeded Wellesley, assumed an attitude and pursued a policy towards the Mughal Emperor which to him could appear in no other light than that of high treason; and the culmination was reached when Dalhousie and Canning attempted to tamper with the succession. From that time it was clear that the over-powerful vassal must be reduced. The army turned to its sovereign's allegiance against its rebel officer. Hence if in 1857 there were any mutineer, it was the East India Company. For the validity of this thesis, it is suggested, the "*Proceedings of the Trial of the King of Delhi*" are the final test.

The ignorance of the Court on the question of the real status of Bahādur Shāh constitutes the main value of the document.[1] Its questions, save on matters of bloodshed, were unintelligent, and its answers are recorded with that fidelity found only in unintelligent witnesses. No hint appears in its questions, that it understood the religious nature of his authority. Indeed, the use of the term "Mutiny"—unless wilful, to obscure the issue—is conclusive evidence of that ignorance.[2] Kaye alone of the historians of the outbreak seems to have understood its meaning, which he labours, painfully but vainly, to suppress.[3]

A definite instance, however, proves the honesty of the Court. There had been current a Muslim "prophecy that

[1] *E.g.* the charges, especially the first and third (*Trial*, p. 2); the question to Mr. Saunders (*ib.*, p. 94); the speech for the prosecution (pp. 136 f., 141); the attempt to find a day of proclamation of the King, as if his reign only began in May, 1857 (pp. 28, 87, 88).

[2] *E.g.* questions on Oudh (*ib.*, pp. 70, *et passim*), the *murīds* (p. 156), where there is evidence of a pious observation on the part of the Court, acquiesced in by the witness ("But it is evident that a 'Pir' . . . circumstances").

[3] J. W. Kaye, *The Sepoy War*, II, 1–42.

a foreign nation would rule in India a hundred years, after which the true believers would regain their ascendancy." The year 1857 suggested all too readily to the western mind the Gregorian centenary of Plassey, 1757. No Indian witness, however, was aware of any connection between the two events. It was overlooked that a Muslim prophecy would probably be in the *Hijrah* era, that May, 1857 A.D. falls within the year 1273 A.H., which is the centenary of the battle of Pānipat (1761 A.D., 1174 A.H.). If the link lies here, both these events would appear in a different light—the attempt of Persia to free the Mughal from the power of a *Kāfir* vassal. The Court's *inability* to understand Bahādur Shāh's position, then, is established.[1]

In addition, the assumption that he was "the subject of the British Government in India" gave to his duties as *Imām* or religious leader of his people, the appearance of an organized system of seditious propaganda. The religious duties seem to be regarded as the result of Shāh 'Ālam's example after the tragedy of 1788, but no evidence is produced to show that this activity was a new departure or that either Akbar Shāh II or Bahādur Shāh II exceeded in religious zeal their predecessors.[2] The artificial limit of investigation by the year 1803 makes possible this result.

Thirdly, the Court was mainly concerned with the discovering the origin of the orders to slay Europeans, and, if possible, to identify the source with Bahādur Shāh. Hence any clue to political thought is of the nature of an incident, and therefore probably reliable. On this point, too, it would seem that Bahādur Shāh was misled in framing his defence, for questions asked in cross-examination show that he was aware of his position.

[1] *Trial*, pp. 72, 126 (13). Kaye, II, 38 ff.; for dates, J. Burgess, *The Chronology of Modern India*, s.d. 1761. F. Wüstenfeld, *Vergleichungs Tabellen der Muh. und Chr. Zeit* (Leipzig, 1854), s.d. of Plassey. *Cf.* Firminger, *Fifth Report*, I, pp. i–ii, n. 1; and Lee Warner, *The Life of the Marquis of Dalhousie*, II, 369, for Outram's opinion.

[2] *Trial*, p. 156. *Cf. Shāh 'Ālam Nāma*, pp. 52, 111, 150, 160, for Shāh 'Ālam's religious activities as Prince 'Alī Gōhar and Emperor.

Fourthly, the vernacular portions of the evidence are translated under pressure of time, and retranslation is possible within very narrow limits of probability. Summaries at the instance of the Court therefore can be distinguished from spontaneous evidence. It is also possible to limit the range of interpretation of concealed technical terms of court practice and religious customs.[1] On the other hand, the literal fidelity of the translation does not prevent English readers being misled.

Much is irrelevant. Cruelties, deaths, financial and other disorders are subordinate to the main issue. Temporary administrative chaos was inevitable, when the officers of the great vassal had to flee from their posts. But there is little, if any, evidence to show that recovery was impossible had the outbreak been successful.

Finally, the evidence was taken in the hour of British victory so that the Mughal case would not be overstated.

The main issue appears to lie in the Company's claim set forward in the charges—most clearly in the third charge.[2]

" For that he, being a subject of the British Government in India, and not regarding the duty of his allegiance, did, at Delhi, on the 11th of May, 1857, or thereabouts, as a false traitor against the State, proclaim and declare himself the reigning king and sovereign of India. . . ."

This claim involves an investigation into the nature of the

[1] *E.g.* " spiritual guide " (*murshid*), " divine vicegerent " (*Khalīfah ullāh*) (*Trial*, p. 156), " usual form of salutation " (p. 79), " about fifteen paces " (*ib.*), nazr (pp. 33–4), robes of honour (*passim*). It is interesting to notice the occurrence of " *murshid* " and " *murīd*," Sūfī terms, *cf.* Herklots, *Qanōn-i-Islām* (ed. 1922), pp. 283 ff., reflecting the Safavi ancestry of later Mughal authority (*Trial*, p. 121). Notice, too, the King's cross-examination of Makhan, mace-bearer of Captain Douglas (*Trial*, p. 79), who was apparently the third *bakhshī* of the Empire—in charge of the *wālā shāhī* troops. For the " usual form of salutation," *v.* W. Foster, *Early Travels in India*, p. 119, *cf.* '*Ain-i-Akbari*, Bk. II, '*Ain*, 73 f. For a probable summary at the instance of the Court, *v. Trial*, p. 156, " But it is evident that a Pir expects," etc. The lack of harmony of this sentence with what precedes is clear either in retranslation or in remembering the Sūfī terminology of the passage.

[2] *Trial*, p. 2.

British claim to suzerainty in its relation to the Mughal idea of Sovereignty.

The tradition of English suzerainty over some parts of India—apart from Bombay—was by no means new. It appeared in the seventeenth century in home papers and even in letters from Madras. The growth of the tradition reached its climax in Child's war with the Great Mughal, Aurangzēb. As a result, Bombay was forced to yield to the *farmān* of the Mughal and expel John Child.[1]

In Madras, the tradition of English possession was fostered while all forms of loyalty to the Mughal and his provincial officers were carried out to the utmost. Manucci [2] believed that the English owned Madras and is at pains to point out that the Portuguese did not in the same way possess St. Thomé, which belonged to the Moors. Thomas Pitt was made a Commander of 2,000.[3] His successor's lack of tact in dealing with the Mughal authorities cost the Company the "farm," not only of the five villages that Pitt's careful policy had gained, but also of the townships of Egmore, Tandore, and Pursewaukam.[4]

The origin of the tradition is interesting, as it furnishes a striking instance of what was continually happening in European relations with Indian States, namely, mistranslation. It contains in embryo the underlying cause of the "Mutiny."

The servants of the Company in Madras were continually urging the Company to grant them permission to obtain the *farmān*, by which Madras was held, in terms of the English *nation* instead of the English *Company*, so that if the

[1] *I.O.* (*Tracts*), No. 268. *Diary and Consultation Book Ft. St. Geo.*, 1685, ed. A. T. Pringle, pp. 44 ff. P. M. Malabari, *Bombay in the Making*, p. 209.

[2] *Storia do Mogor*, II, 296, etc., III, 410, IV, 41–2, 217, *cf. Bibl. Nat.* (Paris) *MSS. Fond. Fr.* 9090, p. 162, where a similar claim was made for Pondicherry in 1726.

[3] Dalton, *Life of Thomas Pitt*, p. 345.

[4] *Ib.*, pp. 381 ff. The whole of Chapter XX throws considerable light on the position of Madras in the Mughal Empire.

Company broke down all would not be lost.[1] In Persian documents of the period the word "*nation*" is translated by the word *qaum*. This word, however, only denotes the racial aspect of nationality, the political implications it does not touch.[2] The grant, therefore, would be little more than a promise that the *'āmil* of Madras should be an Englishman. In the west, on the other hand, the word "*nation*" persisted and its western significance was read into the meaning of *qaum*. The fall of Golkonda was allowed to outshine the Mughal victory and Madras was held to be free —even while it paid *pēshkash*, *nazr* and revenue to the Nawab of Arcot.[3] So, when Muhammad 'Alī called upon the Company to furnish its contingent of troops, a command was interpreted as a request, and the relation of vassal to overlord became a subsidiary alliance in favour of the vassal's pre-eminence, for the tenure of Madras was fictitiously derived from the Treaty of Aix-la-Chapelle (1748)—in short, European International Law usurped the place of Mughal feudal law.[4]

The next stage is marked by the fiction of the independence of the Deccan by which the vassals of the south (*dakhin*) were converted into "native princes." The fiction was repeated in Bengal a few years later. In both cases it arose from a mistranslation (or rather from a confusion) underlying the word "*tribute*," of two ideas represented by

[1] *E.g. I.O. Home Misc.* 629, p. 3.

[2] *Cf.* B.M. Pers. (Addl.) MSS. 24039, foll. 24 *v.* 29, 31 *v.* 32, 33. The word *qaum* is used colloquially as the equivalent of *zāt* (*caste* or *race*). Fallon, *A New Hindustani-English Dictionary*, p. 892.

[3] Wheeler, *op. cit.*, pp. 90 ff. *Cf.* Dalton, *op. cit.*, c. xx.

[4] *Cf.* H. H. Dodwell, *Dupleix and Clive*, pp. 3, 30, 43. With his view contrast [James Macpherson], *The History and Management of the East India Company*, pp. 55 ff., 62 ff. Professor Dodwell mistakes the real status of both the English and the French by admitting the Company's interpretation of their position in India on political grounds. Muhammad 'Ali was legally not "the protégé" of the English, any more than was Shāh 'Ālam in 1803, but their suzerain. It is significant to notice that when the Company wished to make their claims to sovereign rank in 1812, they omitted all "treaties" prior to 1759 from Madras, thereby concealing their true status. This position, accepted by Professor Dodwell, is, I suggest, an anachronism.

nazr and revenue. The word *nazr* was translated into English either as "a present" or as "tribute." Neither word has the exact connotation of the Arabic original. *Nazr*, in reality, means "a vow." The gift is but the symbol of the allegiance offered. *Tribute*, however, is also used of the money due from the *'āmil* whose duty is the collection of revenue. This function is purely economic and the work of an employee. But for the separation of the two functions —the politico-religious and the economic—the translation might perhaps be permitted.[1] But the confusion has led historians and politicians to regard the stoppage of *revenue* by the *Nizām* of Haidarābād in 1723, as a declaration of political independence. The continued presentation of *nazr* by which Mughal suzerainty was acknowledged, the acceptance of *farmāns*, the continued intervention in the affairs of Delhi—all were overlooked.[2] Hence the *political* independence of the Deccan is a fiction.

Similar is the case of Bengal, but there another factor enters as a complication. In 1772, the Company resolved "to stand forth as *Dīwān*." It did not, however, by that step formally declare the independence of the three *sūbahs*, but decided to carry out corporately and directly the duties undertaken in 1765. It thereby abolished its deputies, not its suzerain, Muhammad Rizā Khān, not Shāh 'Ālam. Similarly, too, the stoppage of the revenue to the Mughal Emperor in the following year, was economic not political. It was decided by the need for dividends in England; it was excused by famine and pestilence in Bengal; it was caused by the Company's inefficiency and mismanagement, which

[1] *Cf. Shāh 'Ālam Nāma*, p. 39, l. 10, *māl wājibi wa pēshkash*. Inshae Herkern, pp. 28–9, *māl wājibī* for revenue *only*. For *nazr*, Vullers, *Lex. Pers.-Lat.*, II, 1303a, s.v. "pactionem conficere, votum sibi imponere." The best translation perhaps in English (had not the word acquired the sense of *bakhshīsh*) would be "alms" (ctr. Dodwell, *op. cit.*, p. 151, and the *Shāh 'Ālam Nāma*, p. 87), as given not to the beggar, but to the Deity.

[2] Elphinstone, *op. cit.*, p. 681, ctr. R. P. Macauliffe, *The Nizam*, pp. 8–9. *Some Notes on the Hyderabad Residency* (Calcutta, G. of I., N.D.), p. 9 (Letter of June 20, 1830). Dodwell, p. 46, gives an instance of his activity at Delhi in 1750.

was to culminate in that monumental confession of failure, the Permanent Settlement of 1793.[1] The political link, however, remained. A *wasīlah* or *wakīl* was kept at the Court of Delhi under the title of Resident.[2] *Nazr* was offered by the Governor-General, personally or by deputy, until 1843, when Lord Ellenborough " stopped the practice " which, in reality, made Queen Victoria in Eastern estimation at least, hold her possessions as a mere feudatory and vassal of the imperial house of Delhi.[3] In return for the ritual of allegiance, he offered an increase in the Emperor's (so-called) pension. It is clear, then, why " the King was offended with Lord Ellenborough for his Lordship's having discontinued the nazar which used to be presented on the festival of the Eed, the Bakr Eed, the Nauroz and the King's Birthday."[4] He had severed a bond at once religious and political, —an oath of allegiance over two centuries old.

The counterpart of *nazr*, the vow, was the bestowal of the robe of honour, called in Persian, the *sarāpā* (*cap-à-pie*) from the manner in which it was worn, and in Arabic, *Khil'at*, from its nature—that it had been worn by the donor. Robes of honour were given by the Mughal Emperor and his deputies to subjects only, in recognition of allegiance (*nazr*) or some act of merit, of authority conferred, of the return to allegiance or of entry into the Mughal State. Of the antiquity of the institution and its widespread use as a ritual of investiture with kingly, priestly, and prophetic authority, there is ample evidence in the Bible.[5] The

[1] Miss E. M. Monckton-Jones, *Warren Hastings in Bengal* (1772–1774), pp. 153, 166 ff., 183 ff., 189 ff., gives a clear statement of the *Company's* point of view without reference, however, to the terms of the *farmān* by which it held the Dīwānī.

[2] *Cf.* Manucci, *op. cit.*, III, 91. J. D. Sarkar, *Mughal Administration*, p. 82. *Parl. Papers*, 1805 (48), p. 7.

[3] W. Edwards, *Reminiscences of a Bengal Civilian*, pp. 55–57; also quoted Kaye, *Sepoy War*, II, 661–2.

[4] *Trial*, p. 154.

[5] For a fuller account of the use of the *Khil'at*, *v.* my note *J. Theol. S.*, Jan., 1922, pp. 197–9. The *Khil'at* appears to have signified the delegation of the *personal* sovereignty of the *Khalīfah*. *Cf.* Enger, *Mawerdii*

bestowal marks a transference or delegation of power and authority, the establishment of a type of apostolic succession. From Mildenhall down to Thomason in 1843, robes of honour were accepted at the Court of the Mughal Emperor by representatives of the East India Company.[1]

As with any other vassal or subject, then, a double link of acknowledgment bound the Company in its allegiance to the Mughal Emperor, down to the year 1843—namely, the offering of *nazr* and the acceptance of the *Khil'at*. Both institutions appear to have a religious significance. Hence it would seem that the source of sovereignty, too, was religious, and the nature of Mughal Sovereignty appears to confirm this view. The solution to the problem appears to lie in the circumstances and consequences of the return of Humāyūn in 1550 from Persian protection under Shāh Tahmasp. This relationship with Persia, indeed, solves two problems—the religious nature of Mughal political authority, and the nature of Persian intervention in Mughal affairs—of which both appear prominently in the trial of Bahādur Shāh.

Humāyūn after an unwilling acceptance of the *Shī'ah tāj* (crown) was despatched to India with a Persian army, to convert that country by the sword, if necessary, to the doctrine of the *Shī'ah*. Hence his commission was that of an *Amīr* of the Safavī Empire, as had been Bābur his father before him. He had accepted robes of honour and performed the duties of a vassal to Shāh Tahmasp. As an *Amīr* his duties would be akin to the full duties of the *Khalīfah* of the *Sunnīs*—religious leadership (*imāmat*), leadership in battle and civil life (*imārat*).[2] As long as he carried out his duties, he would be free from intervention from Persia, but Persia appears to have claimed certain rights of protection and

Constitutiones Politicae, pp. 33 and 47 (Tr. E. Fagnan, pp. 44–57 and 59) for the distinction between the general and special types of delegation.

[1] W. Foster, *op. cit.*, p. 56. Edwards, *loc. cit.*, *supra*, p. 81, n. 3.

[2] For Bābur, *Tārīkh-i-Rashīdi*, ed. Elias and Ross (1898), pp. 246–7 and note; for Humāyūn, W. Erskine, *A History of India*, II, 275 ff.; for duties of *Amīr*, Enger, *op. cit.*, pp. 47 ff. (Tr., pp. 59 ff.).

suzerainty over the Mughal Emperor, and these rights, when occasion demanded, appear to have been asserted, if not by Persia herself, by States of Persian origin.[1]

It was not until the year 1579 that Akbar felt himself strong enough to reject the Persian overlordship and to claim supremacy within his kingdom by the so-called "Infallibility Decree." Badāoni, recording the *fatwā* or *mahzar* in the light of later religious developments of Akbar's reign, appears to suggest a motive which does not appear in the text of the decree, for it contains no departure from the fundamental principles of Islām. Historians have tended to follow the suggestion of Badāoni, although from the decree itself it is clear that the Qurān remains the standard of orthodoxy. It was merely an "Act of Supremacy"—a declaration of independence of Persia. In the Mughal Empire, in short, the *Sunnī* creed stood for independence, the *Shī'ah* tenets for Persian suzerainty.

In this connection it is interesting to notice that Akbar and his successors are known by the title of *Khalīfah* of God or *Khalīfah* of the Age. Mughal histories written before this date contain no such claim. Sunnī histories after the date use the title freely enough. It was the work of Abū'l-Fazl to effect this change, for he took the *Sūfī* term *Khalīfah* and endowed it with the full *Sunnī* connotation. Delhi and Agra became homes of the Succession (*Dār ul Khilāfat*).[2] On the assumption of the rôle, the Mughal

[1] *E.g.* B. Dorn, *Muhammedenische Quellen*, III, 171, Jahāngīr is called "*Nawāb Salīm Shāh.*" For the Persian Ambassador's conduct at the Court of Shāh Jahān, Bernier, *Travels* (Constable and Smith), pp. 151–3. Aurangzēb and Persia, J. D. Sarkar, *A History of Aurungzēb*, III, pp. 120 ff. Manucci, *op. cit.*, II, 47–52, 129 ff., 146–7. Nādir Shāh and Muhammad Shāh, Sir P. M. Sykes, *A History of Persia* (2nd ed.), II, 259 ff. J. Fraser, *op. cit.* (1742), pp. 131 ff. Ahmad Shāh and 'Ālamgīr II, *Shāh 'Ālam Nāma*, p. 29, also that author's references to the *masnad-i-'imārat* (*passim*). Tīpū's appeal to Afghanistan against Shāh 'Ālam, *supra*, p. 72, n. 1; an appeal from Shāh 'Alam, *I.O. Home Misc.* 556, p. 96, where the "Treaty of Commerce" is clearly a myth, and finally, *Trial*, pp. 69, 80–1, 96, 103, 114, 120–7, 148, 154–5. Note particularly, the acknowledgment of the original suzerainty of Shāh 'Abbās Safavī over Humāyūn (*ib.*, p. 121).

[2] Badāonī, *Muntakhab al Tawārikh* (B.I.), II, 272–3. *Akbarnāma* (B.I.), Text I, 124, *cf.* discussions Malleson. *Akbar* (B.I.), p. 154 ff.

Emperors appear to have striven to carry out their duties faithfully. The *Imāmat*, or leading of prayer, we see throughout the period of their rule. The *Imārat*, their secondary duties, underwent a change. When Aurangzēb completed the conquest of India, however loosely, the work of conquest gave place to one of settlement, and the Empire changed from that of a mere army of occupation to that of a Government of a State. Hence all delegations of authority came from the *Khalīfah*, not as the representative of Islam, but as the head of the State ; from his royal not from his representative capacity. His position was still primarily religious ; from his religious authority he derived his temporal authority to satisfy the temporal needs of the Faithful. His religious authority rested on his claim to be in the *Khilāfat* or succession of divine authority.

Now, for such delegations of personal authority, the bestowal of the *Khil'at* appears to have been the symbol, and, by the personal association involved in its acceptance, may be conjectured that its acceptance brought the *nā'ib* within the *Khilāfat*, or Muslim Apostolic succession ; thus the *Khil'at* was part of an ordination ceremonial necessary to render valid the exercise of official functions within the State. In other words, the process of *niyābat* fell within the *Khilāfat*.[1] This conjecture is supported by the fact of the religious position of the Emperor, the nature of *nazr*, the regular use of the *Khil'at* on all occasions of admission to office and investment of command. If such, then, be the case, the action of Lord Ellenborough in 1843 acquires a deeper significance, for by it the Company and its officers were placed outside the *Khilāfat* of legitimate Muslim authority—or, in Christian parlance, in *Schism*. Then the acute religious atmosphere of the " Mutiny " becomes clear, and the attack on the succession, made by Dalhousie and

V. A. Smith, *Akbar the Great Mogul*, pp. 178 ff. Both miss the significance of the step.

[1] A curious piece of evidence in favour of this conjecture is found in the *Shāh 'Ālam Nāma*, p. 24 (last sentence).

Canning, acquires an added significance. The attempt to exclude Mīrza Jawān Bakht alike from the succession, and from *Dihlī Dār ul Khilāfat*, touched at once both the Mughal and Muslim feelings of the Emperor and his supporters.[1]

To this hour, fate seemed to point as the hour of deliverance—the *Hijrah* centenary of Pānipat, when there came the news of Crimean disasters, Persian successes, popular discontent in Oudh, and when a Hindu rally to the Mughal cause seemed within the bounds of possibility.

From the nature of the reconquest of India by Humāyūn, it would appear inevitable that the *Shī'ah* vassals would form an ultramontane party in the Mughal Empire. The conduct of the Nawāb of Oudh in 1738 and 1761 supports this hypothesis, for the house of Sa'ādat Khān was the leader of the Persian and *Shī'ah* party in the Mughal Empire. The policy resulting in the annexation of Oudh in 1856, then, would account for Persian rather than Mughal intervention. Further, it accounts for the alleged conversion of Bahādur Shāh to the *Shī'ah* creed in or about 1853. Here the Court was misled by chronology and geography, and was forcing the course of events out of its natural channel. In 1761 it was the advance of the Mahratta against the Panjāb that brought in the Persian province of Afghanistan against the *Kāfir*; in 1857, it was the Company's invasion of Oudh; and as Humāyūn and Muḥammad Shāh, so Bahādur Shāh expected to be restored to power by Persian arms. As Persia was *Shī'ah*, to remove any danger of complications, Bahādur Shāh became a *Shī'ah*.[2]

[1] For fuller treatment of this point and its possible relation to modern politics, see my article "*The Historical Antecedents of the Khilāfat Movement.*" (*The Contemporary Review*, May, 1922.)

[2] *V. supra*, p. 83, n. 1, also Sleeman, *Rambles and Recollections* (ed. V. A. Smith), pp. 135 ff. and *notes*, for Persian survivals in Oudh and the Mughal Empire in general. Since I wrote this paper I have been indebted to Mr. B. H. Zaidi, of FitzWilliam Hall, Cambridge, for a reference confirming this conjecture. In Rampur State Library (Persian Histories, No. 229), a MS., *Dastur al 'Amal*, has been recently unearthed, in which are enclosed the Persian letters referred to by Ihsan Ullah Khan in the evidence. It is significant that the denial of the conversion is made only to the English and through a *Shī'ah* poet! The date of the conversion is

Further, the Shāh of Persia was checked by the Anglo-Persian War (1856-7)—by British Foreign policy, and by the internal dissension of the Persian Empire caused by the independence of Afghanistan, which was in league with Bengal. Had the Company, as *Dīwān* of Bengal or even as virtual *Wakīl-i-Mutlaq* of the Mughal Empire, been thrown entirely on its own resources, it seems more than probable that Bahādur Shāh would have been restored, as was Humāyūn. The initial success of the outbreak seems to indicate such a conclusion. This fact alone dispels the fiction that the Mughal Empire had ceased *practically* to exist.

One other usurpation on the part of the Company needs to be mentioned—the change of coinage in 1835. There was opposition to the step on the part of some of the advisers of the Governor-General.[1] It should be noticed that this step was taken while yet *nazr* was being offered to the Emperor in token of the loyalty of the Company.

It is clear, then, that as far as Mughal Sovereignty was concerned, the religious and political doctrines reflected in the trial were the same as those existing in the sixteenth and seventeenth centuries. Moreover, that even in the latter century the seeds of this understanding, which appeared later in full growth, had already been sown in the form of inexact translations, which distorted the features of the Mughal Empire to the eyes of the West. It was on this distorted view that the policy of the Company was based, and their full meaning appeared in the events of 1857-8. In the seventeenth century, too, appears the explanation of the party or racial politics of which the results directly and indirectly acted on 1857.

The policy of the Company was based on the tradition that the Mahrattas belonged to an independent extra

A.H. 1270, 6 Rabī'al Awwal, 7 December, 1853 A.D. The motive of such a denial is clearly to unite Shī'ah and Sunnī.

[1] At least so it would appear from E. Thurston, *A History of the Coinage of the East India Company* (1890), p. 66, although the controversy may merely refer to design.

Mughal State. The rebellion begun by Sivājī, in 1670, was artificially continued beyond the year 1720, when *jizya* was finally abolished and the Mahratta returned to the Mughal State to be, on the whole, a loyal if somewhat difficult vassal. In the eighteenth, as in the seventeenth century, there were two parties in the Mahratta confederacy—one was pro-Mughal, the other anti-Mughal. Both Elphinstone and Grant Duff, writing under the influence of the Mahratta Wars, failed to recognize the significance of this division, of which, however, they record instances. The Mughal Emperor was able to use the pro-Mughal party against rebels in other parts of the Empire, while loyal vassals were afflicted by the attacks of the anti-Mughal party. It was only with the rise of Tīpū Sāhib and the house of Sindia that these divisions disappeared, and the Mahrattas were welded into a strong, loyal, pro-Mughal confederacy, which counterbalanced the Eastern Muslim confederacy under the leadership of Bengal. To the Europeans, however, they were all Mahrattas, and therefore all anti-Mughal.[1]

On this account Warren Hastings, with some plausibility, was able to convert a breach of contract into an act of loyalty to the Mughal, when he withheld the Bengal Revenue. Thereby, too, he paved the way for Wellesley's profession that he was freeing Shāh 'Ālam from the "State of vigorous confinement in which [he was] held by the Mahrattas."

Shāh 'Ālam's attitude towards the Mahrattas is the final proof of the invalidity of the plea. His *choice* of Delhi in 1771[2]; his unbounded gratitude to Sindia in 1788,

[1] Two instances will suffice to illustrate this point. The Mahrattas in Bengal (Grant Duff, Oxford Edn., I, 424 f.), and Ghāziuddīn, the Wazir's alliance counteracted by 'Alī Gōhar's alliance with Vithal Rāo. *Shāh 'Ālam Nāma*, pp. 32 and 40. For Sindia's part during the danger of Tīpū, *I.O. Home Misc.* 556, *passim*. That volume is a record of a contrast between Mahratta loyalty and the Company's disloyalty to the Mughal Emperor—even the pro-Company point of view of the compiler fails to obliterate this fact.

[2] Miss E. M. Monckton-Jones, *op. cit.*, p. 184. Letter 4. Cf. *Parl. Papers* (East Indies), 1805 (19), p. 13. Gentil, *Indoustan en Empire Mogol*, p. 73 (*Bibl. Nat.* (Paris) *MSS. Fr.* 9091).

when he delivered him from the hands of Ghulām Qādir, the Rohilla, after Cornwallis had written " a letter perfectly civil and respectful . . . in which [he] stated most explicitly the impossibility of [the Company's] interference."[1] Further, in 1785, when the Company seemed to have decided to stand by the Treaty of Mangalore, made with the rebel Tīpū, it was Sindia who asked if the Company wanted Tīpū to be Sultān of India. Mahratta policy, from this time forward, was consistently loyal in its opposition to the anti-*Pādishāh*.[2] Bengal and the Deccan vacillated, until the French menace forced the former to take decisive action and to identify itself with the Mughal Empire. The Deccan followed its lead, and it was the Mughal Empire *as a whole* that defeated Tīpū, and its united action was due, not a little, to the constant efforts of the deputy *Wakīl-i-Mutlaq*—Sindia. That Shāh 'Ālam realized the work his house had accomplished is shown by his refusal to deprive Daulat Rāo Sindia of his office and rank in 1803, even when the English Company was triumphant.[3]

The year 1785, indeed, was the critical year in the history of the Mughal Empire, for it was threatened by two simultaneous attacks. One was from Tīpū, with his claim to *Quraish* descent and his bid for the status of *Pādishāh* of India.[4] The other was the appointment of Cornwallis, under the terms of Pitt's India Act of 1784, immediately after the loss of the American Colonies. Cornwallis brought with him the ideas of the Colonial System, and concealed in his

[1] *Correspondence of Charles, First Marquis of Cornwallis*, ed. C. Ross, I, 307. *See also* W. Thorn, *Memoir of the War in India* (1818), pp. 139 ff., 149, 151. For the text of the poem, W. Francklin, *Shah Aulum*, App. IV (p. 250). *Parl. Papers*, 1805 (48), p. 6, *I.O. Home Misc.* 556, pp. 100 ff.

[2] *I.O. Home Misc.* 556, p. 41.

[3] *Ibid.*, pp. 33 ff., 90 ff. It is significant to note that the " Bengal Tribute " controversy is contemporary with the increased pressure of Tīpū on the Mahratta *Ṣūbahs* of the Empire. Michaud, I, 144. Both Mill (VI, 509–10) and Thorn (p. 126) omit to state the non possumus in favour of Sindia, for which *v.* Wellesley, *History of the Transactions of the British Government in India* (1805), p. 193.

[4] For Tīpū's claim to Quraish descent, *supra*, *p.* 72, *n.* 2; its significance, T. P. Hughes, *Dict. of Islām*, p. 264a.

office the second anti-*Pādishāh*—the King of England.[1] From his time appears the tendency of the Governors-General to favour their natural sovereign at the expense of their official suzerain until the latter was deposed. But, for the time, the two dangers neutralized one another owing to Tīpū's hatred of the English. It was, however, the development of the Company's power in the Mysore wars that established their influence in Haidarābād and Arcot, and laid the foundations of their power by which they overthrew Sindia in 1803. The death of Tīpū and the treaty of 1801[2] with Sa'ādat 'Alī Khān left the issue clear between the Muslim east, and the Mahratta west, of the Mughal Empire. It was an attempt to carry into the Mahratta confederacy the policy to which Oudh had been forced to submit that produced in 1803 the outbreak of war.[3]

This year (1803) is the key to the "Mutiny." In its records are veiled the forces at work in India—the policy of Sindia based on the fact of the suzerainty of the Mughal Emperor, and the policy of the Company based on the fiction of the suzerainty of the King of England. In this respect, the "Mutiny" is but the corollary of the second Mahratta War.

To establish the British Government's claim to suzerainty over Bahādur Shāh, the Court summoned Mr. C. B. Saunders, the acting Commissioner of Delhi, and examined him on oath. He was asked:[4]

"Can you give the Court any information as to the circumstances under which the Kings of Delhi became subjects and pensioners of the British Government?"

[1] *v.* Mill, IV, 557 ff. For the *practical* mind of Cornwallis, *v.* letter, *cit. supra*, p. 88, n. 1.

[2] *A Collection of Treaties*, p. 213. For Negotiations, *v.* Mill, Bk. VI, c. 9, and *Dacoitee in Excelsis* (1857), pp. 39 ff. Sir Henry Lawrence (*Calcutta Review*, 1845, pp. 375 ff.). *Parl. Papers*, 1806 (7), pp. 31 ff., and 1806 (20).

[3] For discussions of the Treaty of Bassein (1802), *v.* Mill, Bk. VI, c. 11. Grant Duff, II, 328 ff.

[4] *Trial*, p. 94.

He replied:

"Shah Alam, Emperor of Delhi, after having his eyes put out and having suffered every indignity from the hands of Ghulam Kadir, fell into the hands of the Marattas in the year 1788. The Emperor, although vested with nominal authority over the city of Delhi, was kept in confinement more or less rigorous until the year 1803, when General Lake, having seized Aligarh, marched with British troops against Delhi. The Mahratta army, drawn out at Patpanganj, six miles from Delhi, was attacked by General Lake and thoroughly routed. The city and fort, having been evacuated by the Mahrattas, the Emperor Shah Alam sent a message to General Lake applying for the protection of the British authorities, and on the 14th of September . . . the Kings of Delhi [became] the pensioned subjects of the British Government and . . . exchanged the state of rigorous confinement, in which they were held by the Mahrattas, to one of more lenient restraint under the British rule. The prisoner succeeded to the titular sovereignty of Delhi in 1837. He had no power whatever beyond the precincts of his own palace; he had the power of conferring titles and dresses of honour upon his own immediate retainers, but was prohibited from exercising that power on any others. He and his heir-apparent alone were exempted from the jurisdiction of the Company's local courts, but were under the orders of the Supreme Government."

That answer was given on oath, but an examination of the events and correspondence—even in the English version—proves it to be untenable.

In 1803, Wellesley was faced by two issues—one, the possibility of an unofficial French ascendency at the Court of Delhi, the other, the desirability of overthrowing the effective ascendency of Sindia in the Ministry of Shāh 'Ālam. The Napoleonic peril obsessed the minds of all who came from Europe, while plans of a Persian invasion with Bonaparte in alliance increased the apprehension of the Governor-General in India. The news, however, of the diplomacy of the Peace of Amiens and the despatch of General Decaen to establish communication between India and Paris through *l'Ile de France*, forced Wellesley to take such action as would place Delhi outside the range of French

enterprise and European International Law. The method he adopted was to avail himself of the possibility of narrowing the connotation of Persian words in translation, and he was able, thereby, to assert *in English*, that he had taken the Mughal Emperor *under the protection of the British Government*, in other words, that he had declared the Mughal Empire to be a British Protectorate.[1]

Whether he could or could not have made the assertion to Shāh 'Ālam does not affect the question. The fact remains that he apparently did *not*, but took advantage of the Company's vassaldom and the vagueness of the Persian language to render his action acceptable to the Emperor and, at the same time, to satisfy the requirements of International Law. In short, he professed to proclaim a protectorate while he merely offered a vassal's protection of his lord.[2]

The *form* adopted can be most conveniently seen in the summary of a vassal's duty given in the *Germania*.[3]

"Illum [regem] defendere, *tueri*, sua quoque fortia facta gloriae ejus assignare praecipuum sacramentum est."

The correspondence of the period makes this fact clear. In the month of August, Shāh 'Ālam, through Saiyid Rizā Khān, wrote:

"It becomes necessary for the General to settle the point with the Governor-General that hereafter *there will be no want of obedience or cause of dissatisfaction to me.*"[4]

On 1st September, 1803, General Lake forwarded a *farmān* he had received from Shāh 'Ālam. It bitterly denounces the treason of the English Sardars:

"The duty which of old hath been manifested towards our illustrious House by the English Chiefs is well known, as is also the opposite course which has of late been pursued by them, inasmuch as that they have possessed themselves of the whole

[1] *Parl. Papers*, 1805 (x), pp. 761–2. Thorn, *op. cit.*, pp. 76 ff. H. Prentout, *l'Ile de France sous Decaen*, pp. 8 ff.
[2] *Cf. supra*, p. 97.
[3] Tac. *Germ.*, c. xiv.
[4] *Parl. Papers* (1805), x, 762 (2).

of that country and not manifested the least attention nor rendered the slightest service to us." [1]

He proceeds to announce that Daulat Rāo Sindia as his deputy (*Wakīl-i-Mutlaq*) is to be obeyed by the English.

On the 14th of September, Delhi fell; on the 16th, General Lake was received by Shāh 'Ālam, presented *nazr* on behalf of the Governor-General and on his own account, and

" the Emperor was graciously pleased to confer on General Lake the second title in the Empire, *sumsam u dowla ashgar ul mulk, Khan dowran Khan, General Gerard Lake Bahadur, futteh jung:* The Sword of the State, the hero of the land, the Lord of the Age, and the victorious in war." [2]

The first title was held by Sindia, who was not deposed. Further, it is interesting to note that this rank carried with it a jāgīr in Rājshāhī in Bengal.[3] It is not recorded that Lake received the emoluments therefrom.

On the 5th of October, 1803, Shāh 'Ālam sent to Wellesley the following *farmān*:

" As the designs of our faithful servants have now happily succeeded, the time is now arrived for your Lordship, in conformity to the distinct and obligatory engagement described to us by your Lordship yourself in the letter which you lately transmitted, to secure yourself happiness, temporal and eternal, and permanent reputation, by fulfilling that engagement, and to carry into effect that which may provide for the interest and welfare of the servants of this Imperial Court . . . and for the happiness of the people of God through the aid and services of the Officers of the Company's Government." [4]

[1] *Ibid.*, 770–1. *Cf.* pp. 766, 769, and Wellesley's letter, p. 767.

[2] Mill, VI, 509–10. *Cf. Parl. Papers, cit.*, p. 777. Apparently Lake was appointed to the rank of " the third *Bakhshī*," also called occasionally *Bakhshī* of the *Wālā Shāhīs*, that is of the household troops. (*Cf.* Irvine, *The Army of the Indian Moghuls*, pp. 39–40; also Ap. J.A.S.B., LXVII, Pt. I, p. 154, where Mansūr Jang's promotion to this office and title is recorded.) *Cf.* p. 77 n. 1.

[3] *The Fifth Report of* 1812, ed. Firminger, II, 300.

[4] *Parl. Papers, cit.*, p. 774. If, as is probable, the word translated " happily " is a derivative of *nasaba* (fixed—by Fate), the whole farmān is capable of a totally different interpretation!

Here again the tone of the communication is perfectly clear —it is that of a sovereign addressing a vassal or subject. The use of the term "Company's Government" by the translator is interesting. The word for Government is almost certainly "*sarkār*," the phrase used would be either *sarkār-i-angrēz* or *sarkār-i-jumā'āt-i-angrēz*. If the former were used, it might equally well have been translated "British Government." The latter form is less probable than the former, and the translator probably used the term "Company" with reason—to shelter the *diplomatic* position of Wellesley. The ambiguous use of *sarkār-i-angrēz* prevented the Mughal Emperor from seeing the British Government in his dealings with his vassal, the Company. Further, the term *sarkār* is never used alone, unqualified by epithet, for the Supreme Government. Its use seems confined to provincial head-quarters (*sarkār*). Hence any differentiation would appear only in the English version of the transactions.

Further, the *farmān*, just quoted, removes all doubt as to the word used to denote "protection." Had the idea of "*protectorate*" been conveyed in the negotiations of September, none of the letters quoted could have been written. The only means of expressing the idea was by the use of the word *hukūmat* (rule), or a synonym, which would have furnished the Mahrattas (and probably the *Nizām*) with a cry sufficient to rally the rest of India.[1] Of this there is no evidence. Hence it would seem proved that no proclamation of a protectorate over Shah 'Ālam was ever made, save in Wellesley's despatches to England. The Company, *in fact*, merely returned to its allegiance. India saw the fact, England saw the fiction.

The return of the Company in 1803 to the allegiance of the Mughal would imply the loyal execution of its duties as *Dīwān* of Bengal, Bihar and Orissa. In 1765, Clive had made quite clear to the Council in Calcutta and to the

[1] *Cf.* A. N. Wollaston, *A Complete English-Persian Dictionary* (1889), *s.v.* protection, protectorate. If there were no other clue, the use of the word *farmān* (order, command) would be final.

Directors at home that the regular payment of the revenue into the Emperor's treasury was a binding condition—the condition on which the office was obtained. There was nothing of the nature of tribute from the Company. The *Dīwānī* was an office, its function the collection of *revenue*. The action of Warren Hastings, then, seven years later, is indefensible save on the grounds stated to the Emperor—the ill-effects of a famine. That this was not the true reason is shown by a letter to Mr. Purling.[1] The return of Shāh 'Ālam to Delhi could constitute no valid ground for the stoppage, as his restoration was one of the services guaranteed with the revenue.[2] Moreover, the application of the terms "allowance" and "pension" to the compounded revenue was pure misrepresentation, from as far back as the year 1765.[3] The diversion of the Mughal Revenue from the Treasury of the Emperor to the dividends of the Company—this it was which in a large measure accounted for the embarrassment of Sindia and the forlorn state of Shāh 'Ālam in 1803. In testimony of this fact Thorn quotes a very striking letter:

"The English Company, by its ignominious treatment of the Great Mogul, has forfeited its rights as Dewan and Treasurer of the Empire. The Nawaubs of Oude and Bengal are equally criminal, because they acted as traitors towards their lawful sovereign; thus the Emperor of Delhi has a real and indisputable right to transmit to whomsoever he may please to select, the sovereignty of his dominions, as well as the arrears due to him from the English. These arrears of tribute of twenty-six lacks promised by the Company, with the interest of the country added, will amount at the present time to four hundred and fifty-two millions of livres tournois [£14½ million]; a sum which greatly exceeds the value of the Company's moveable capital."[4]

From this charge there appears no escape. The only reply given by the officials or historians of the Company was

[1] Miss Monckton-Jones, *op. cit.*, p. 147, etc. *Cf.* Clive's letter, September 30, 1765. *I.O. Home Misc.* 629, p. 288.

[2] *Ibid.*, p. 55.

[3] *I.O. Home Misc.* 629, p. 296, para. 20.

[4] Thorn, *op. cit.*, pp. 43–4. *Cf. supra*, pp. 80–1.

abuse of its French source. So, Bahādur Shāh, as heir of Shāh 'Ālam, was neither a " subject " nor a " pensioner " of the British Government, which had *de jure* no jurisdiction over India at all, since the day when Bombay accepted the Mughal *farmān*.[1]

The relation between the years 1803 and 1857 is now clear. Wellesley had inaugurated a fiction that the Mughal Empire was a power protected by and therefore a subject of the British Government. The fact of the vassaldom of the Company to the Mughal Emperor remained, for Shāh 'Ālam does not appear to have been informed of his alleged change of status. Both the British Government and the East India Company were represented in one and the same person—the Governor-General, who gradually allowed his status in the Company to vanish before his diplomatic position as representative of the British Government. Hence the later policy of the Governors-General, based upon the Wellesley fiction, must have appeared to the Mughal Emperor as nothing short of treason.

Wellesley was careful to maintain the appearance of a vassal towards Shāh 'Ālam, who from the length of his reign and his sad misfortune was generally treated with deference. In 1807, Mīr Shēr 'Alī Afsōs recorded that

" No one regarded the Emperor—yes, one,—the honourable Gentlemen (*i.e.* of the Company) did not give up homage and service, even as now, in the year 1222 *Hijrah*, and Akbar Shāh, the son of Shāh ' Ālam, is Emperor. In short, they perform his meanest service, nor do they withdraw their hand from allegiance." [2]

[1] Had the Court proceeded on the *de facto* grounds of right of conquest by the Queen of England in the war 1857–8, and had they not attempted to make any claim to legality, there might have been no ground for criticism. As it is, they failed to make good their case.

[2] *Ayāish-i-Mahfil*, ed. Court, p. 209. Court's translation is full of blunders and should be used only with care: *e.g.* twice (pp. 67 and 74) he translates *ba'd-i-hangāmah-i-Bakhsār*, " after the *mutiny* of Baksar " ! The context shows clearly that the battle of *Bakhsār* is intended. *If* he is correct, the Company must be mutineers ! but there is no need to attach such a specialized meaning to the word. J. Shakespear (1834) does not give the word " mutiny " as one of the meanings of the word.

Although this passage does not ring quite true, it shows that the Company still acknowledged their vassal status to their Indian subjects. Indeed, much that is censured as impolitic was traditional Mughal policy. The "doctrine of lapse" marked a revival of the Emperor's right, through his deputy (*nā'ib*), to determine the succession to *mansabs*. That lapsed fiefs should fall to the Dīwān of the *Khālisa* lands would not appear strange.[1] But, in disallowing adoption, Hindu opinion was offended. By the Company's retention was Mughal opinion aggrieved. Similarly, the projected Mughal reforms of the seventeenth century realized in the nineteenth by the Company—as the suppression of *satī*, *thagī* and of the Pindārīs—all tended to alienate the Company from Hindu sympathy and support. In this way was the Hindu brought back to Mughal loyalty and service, while "Judicial reforms," by which Western Courts and Western law supplanted Muslim institutions, alienated the Muslim population from the Company's cause. Further, the successful campaigns of the Company realized the ambitions of Aurangzēb and his son. The Deccan had been reduced to order, the Panjāb and Sind recovered, and Afghanistān had been weaned from Persian control. But—the Company neglected "sua fortia facta gloriae ejus assignare," so that even its triumphs brought but dissatisfaction, apart from the dislike of its increased power.

It was, however, in their direct relations with the Emperor that the Governors-General laid the foundations of the outbreak of 1857, for co-ordination of disaffection is necessary as a first consideration for an outbreak of any magnitude, and the only nucleus was the throne of the Mughal Emperor.[2]

From the time of Wellesley, the Governor-General neglected to visit the Emperor despite his repeated commands, and though he accepted the *Khil'at*, he refused to

[1] *Cf.* Farman of 1765 and Sarkar, *Mughal Administration*, pp. 61 ff.
[2] *Cf. Private Letters of the Marquis of Dalhousie*, ed. J. G. A. Baird, pp. 380–1, 389–90.

wear it. He accepted by touch—but that was sufficient.[1] It was not, however, until the arrival of the Marquess of Hastings, under the influence of the debates of 1812–13, that a more definite assertion of the Governor-General's new position was made. "The Court of Directors [had] claimed the territory of India in the Company's possession as theirs by right of conquest, achieved originally from the profits of their trade: they had paid for it, and it was theirs."[2] Naturally the King in Parliament put an end to such an attitude assumed by his subjects—but, from what has been shown already, it will be clear that the Company was simply playing a double game. The King of England defeated it—Lord Hastings carried that victory to India, also the effects of the Wellesley tradition.

It was necessary for Bengal to break up the Muslim core of the Mughal Empire, and to convert the religious differences of *Sunnī* and *Shī'ah* into political divisions between Delhi and Lucknow. As early as 1775, Warren Hastings had joined with the Nawāb Wazīr against the Court of Delhi by the Treaty of Lucknow.[3] In 1819, the schism was completed by the assumption of the title of *Pādishāh-i-Āwadh* by the *Nawāb Wazīr* Ghāzī ud dīn Haidar, who struck coin in his own name. The step appears to have excited but little attention in Oudh, where he was still referred to by his Mughal title, as Bishop Heber noticed, but at Delhi feeling ran high.

"The Sovereign of Oude's assumption of the title of King," wrote Hastings, "was treated by the Court of Delhi with undisguised indignation. The offensive animadversions were keenly resented by the Court of Lucknow, and an irreparable breach between these two Mahommedan States is avowed."[4]

[1] *Voyages and Travels to India . . . in the years 1802–6*, by Lord Valentia, pp. 99, 103, 147.

[2] Mill and Wilson, *op. cit.*, VII, 510 ff. [3] Esp. Article III.

[4] Hastings, *Summary of Administration* (1824), pp. 102–5. C. J. Rogers, *Catalogue of the Coins in the Indian Museum*, II, 198 ff. (Nos. 11608 ff.). *Narrative of a Journey through the Upper Provinces of India*, 1824–5, Bishop Heber, I, 371. In Norgate's *Sepoy to Subedar*, Sītarām never refers to him except as the Nawab.

The breach, however, was not beyond repair. The ruler of Oudh had placed himself outside the Mughal State. His removal freed Oudh from the stigma of disloyalty, and brought it back within the Mughal Empire—*to the satisfaction of Delhi*.[1] The usurpation by the *Dīwān* of Bengal, however, was resented. It was not the deposition of its King but the annexation that drove Oudh to the support of the Mughal.

Further, Oudh was the main recruiting ground of that portion of the Mughal army which was under the command of the *Dīwān* of Bengal. As the deposition of the " King " of Oudh was followed by similar action against the claims of the Mughal Shāhzāda, threatening the Mughal Empire with extinction, the sepoys clung to the cause of their King and Emperor against the intrigue of their Commanding Officer—the *Dīwān* of Bengal, the East India Company, which, for them, was the mutineer.[2] Of Acts of Parliament they knew nothing, and even if they did, they could carry no weight against the commands of their *Khalīfah*. Not the Court's suggested explanation but this theory I suggest as the true solution to the evidence of Hakīm Ihsān Ullah Khān, who said :

" I consider that the native army was impregnated with malevolent intentions towards the British Government ; and had even the new cartridges not been issued, they would have made some other pretext to mutiny, because if they had been actuated by religious motives alone they would have given up the service ; and if they had wished to serve they would not have mutinied." [3]

But, if the army belonged to the Mughal Pādishāh, and he claimed to be " the divine vicegerent in spiritual matters "

[1] *Trial*, pp. 70, 72, 160.

[2] *Cf.* Jean Law de Lauriston, *Mémoire sur quelques affaires de L'Empire Mogol* (1756–1761), ed. A. Martineau, p. 22, for the authority of the Mīr Ātish over the Company's artillery. Both *Sunnī* and *Shī'ah* opinion were outraged, hence the value of Bahādur Shāh's dual policy (*v. supra*, p. 85. n. 2).

[3] *Trial*, p. 157. The footnote is worthy of attention as an illustration of the Court's inability to appreciate the religious situation.

—*Khalīfah ul zamān*—the service becomes part of the religious duty—*jihād*.[1]

As has been shown, the Hindus were already alienated by the Company's policy when in some respects it was most Mughal. Nānā Sāhib represented both the Hindu grievance and the unemployed pro-Mughal Mahratta. The issue of greased cartridges merely provided the occasion of the outburst.

The main cause, then, was the treatment of the Emperor. The fiction started by Wellesley was growing more evident to the East. Akbar Shāh was approached with the bribe of an increased " pension " to acknowledge himself as no more than the King of Delhi—he refused, but the fiction persisted in the West. Bahādur Shāh II was approached likewise, and likewise he refused. The next step was so to manœuvre that Bahadur Shah's successor should consent to leave Delhi, for they believed his strength to lie in the associations of the city—in that they were probably correct for the phrase *Dihlī Dār ul Khilāfat* had at least two and a half centuries' association with the House of Tīmūr. This step—of consenting to leave Delhi—was made the price of recognition by the East India Company. Universal recognition may be a condition for the valid election of the *Khalīfah*, but only to the Faithful is the right of dissent. The Company had ceased to belong to the Faithful in the year 1843, so on the 10th July, 1856, when Faqīr ud dīn died, the Mughal succession was in a critical state, for the Emperor's most powerful vassal had refused to recognize his son, except on terms tantamount to a betrayal of Faith.

The Company had been warned of the danger when Dalhousie, in 1849, had proposed the removal of the House of Timur from Delhi, but in vain. When Canning, newly arrived in India, was forced to make a decision, he relied on " the minutes of the preceding members of the Govern-

[1] It should be remembered that the Mughal *Khilāfat* was a *Sūfī*, not the ordinary *Sunnī Khilāfat*, although it had come to be regarded in much the same light as the latter (*v. supra*, p. 83).

ment," that is, on the Wellesley tradition, to interpret the situation. His decision was that

"To recognize the title of King, and a claim to the external marks of loyalty in a new person, would be an act purely voluntary on the part of the Government of India, and quite uncalled for."

In the events that followed, Canning represented the Wellesley tradition, Zīnat Mahall that of the Persian version of the transactions.[1] The view that mere palace intrigue could have produced such a rising needs no discussion. The cause lay in the conflict of fact and fiction dating at least from the year 1803. The charges against Bahādur Shāh, the authority of the Court to try him and its finding mark the conclusion of the work of the fiction, for a practical element had intervened—the Queen of England as the Protector of her *subjects*—the servants of the Mughal and his vassal—from the cruelties of a miscarriage of justice, which had involved them in the penalty due to the Company.[2]

[1] All the facts for this section are to be found in Kaye, *Sepoy War*, II, 1–42; *cf. Trial*, p. 154.

[2] [Since January, in the light of fresh material, the views set forward in this paper have undergone some modification owing to the increase of Persian influence detected in Indian affairs down to 1857. As, however, any development in the theory has been to carry it still farther from the accepted view, it has seemed best not to make any alterations in the paper itself and only very slight additions to the notes, *v. The Cambridge History of British Foreign Policy*, II, 403–422 (*in the Press*).]

THE INFLUENCE OF THE INDUSTRIAL REVOLUTION (1760–1790) ON THE DEMAND FOR PARLIAMENTARY REFORM

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The Whig interpretations of the English Constitution based on the doctrine of executive responsibility to Parliament, as established by the Revolution of 1688 and Locke's vindication of that event, were crystallised and defined by eighteenth-century political practice, eulogised and expounded by Montesquieu and Blackstone, and asserted and elaborated by Junius and Burke. But they were subjected to criticism at least two decades before the Revolution in France stimulated political speculation and inspired demands for reform. Long before the outburst of reforming enthusiasm expressed in the activities of the Revolution Society, the London Corresponding Society and the Society of Friends of the People, which was kindled by the opening episodes of the French Revolution, there was in England a well-established movement for parliamentary reform.

Many causes may be assigned for this development of an indigenous reform movement: an increased knowledge of the abuses and anomalies of the representative system, resulting from George III's open attempt to use it for his own ends; the development of the political importance of the people, as a consequence of the appeals of both sides in the struggle between the Crown and the Whigs; the

example of the American Revolution, and the influence of the writings of the professed political theorists. The question to be considered now is, to what extent did the social and economic changes of the time contribute to this movement ? The effect of the Industrial Revolution on the later demand for parliamentary reform is well established and recognised. How far can the early stages of this movement also be attributed to the influence of conditions accompanying the nascent Industrial Revolution ?

The movement for parliamentary reform in England had its origin in the period between the Peace of Paris and the outbreak of the war with Revolutionary France—roughly in the years between 1760 and 1790. The movement early crystallised into two sections : both Moderate Reform and Radicalism can be traced to this pre-revolutionary period.

The agitation for a moderate reform of Parliament began with Chatham's speech of January 22, 1770, in which, declaring the Boroughs to be the rotten part of the Constitution, which could not however be amputated without danger to the whole, he recommended " an infusion of new health " into the representative system by an addition of members to the counties.[1] This proposal to counteract the evil influence of the corrupt boroughs by increasing the representation of the counties was referred to again by Chatham in the House of Lords in August, 1770,[2] and became, together with suggestions for shortening the duration of parliaments, a subject of his correspondence with Temple and Shelburne in February and April of 1771.[3] As however his ideas did not meet with the support of his Whig associates, little more was heard of them until, in the year

[1] *Parliamentary History*, XVI, 753–4; *Chatham Correspondence*, III, 406–7.

[2] *Chatham Corr.* III, 457.

[3] *Grenville Papers*, IV, 534 (Apr. 17, 1771); *Chatham Corr.* IV, 155 (Apr. 18, 1771).

FitzMaurice's *Shelburne*, II, p. 223 (Feb. 25, 1771); *Chatham Corr.* IV, 146–8 (Apr. 9, 1771).

after his death, they became the basis of an agitation for parliamentary reform, which grew out of the Yorkshire petitions for economy. The Yorkshire petition movement, though largely an expression of popular discontent at heavy taxation, cleverly fomented and skilfully turned by the Rockingham party to further their own purposes in their struggle with the Crown, contained amongst its organisers a small but vigorous group of country gentlemen and dissenters, who were determined to go beyond the demands for economical reform contained in the petitions, and agitate for a moderate reform of the representative system and shorter parliaments, on the lines laid down by Chatham.

As soon as the "economical" petitions were signed, the Yorkshire Committee, taking advantage of the fact that they were appointed to further not only the petition, but also "such other measures as may conduce to restore the freedom of Parliament," [1] drew up the heads of an Association to support their petition and *also* "to promote regulations for shortening the duration of Parliaments and for obtaining a more equal representation of the people." [2] These were subsequently sent for consideration to the committees of other petitioning counties and towns.[3] As the result of a conference of deputies from some of these committees, held in London, on the question of an association for reform,[4] these Heads were developed into a Form of Association, by which members united to demand, besides Economical Reform, the addition of one hundred representatives to the counties and Triennial Parliaments, undertaking to support only such Parliamentary candidates as would pledge themselves to these proposals.[5] This form of Association was adopted by a general meeting of York County on March 28, 1780,[6] and by many other counties and towns in the course of that year. The agitation was kept alive by a Convention of Deputies from the provincial associations in the spring

[1] *Wyvill Papers*, I, i. (2) (Dec. 30, 1779).
[2] *W.P.* I, i. 9 (Jan. 21, 1780).
[3] *W.P.* I, iii. 3.
[4] *W.P.* I, iii.
[5] *W.P.* I, iv. 5.
[6] *W.P.* I, iv. 6.

of 1781, when, after a united petition for economical reform, resolutions were passed in favour of the addition of a hundred members to the counties and the repeal of the Septennial Act.[1]

This movement for parliamentary reform passed from the resolution to the petition stage in 1782, when the news of Yorktown had brought in a reforming ministry, and the failure of Pitt's motion in the House of Commons [2] showed the need for a popular demand. Taking the petition of the County of Kent of June 8, 1782,[3] as their model, the Associations asked for a reform of the representative system "in general terms," leaving the extent and manner of the reform to the discretion of the House of Commons.[4] In the following year there was a renewal of the petitioning [5] in support of Pitt's resolutions,[6] and his final effort in 1785 [7] was also the occasion of petitions for reform, but this time they were very few.[8] With this third failure the movement for a moderate reform of Parliament came to an end until the attempts of Flood [9] and Grey [10] in the "nineties," when moderate reform and

[1] *W.P.* I, v. 8.

[2] *Parl. Hist.* XXII, 1422.

[3] *W.P.* IX, xi. 1.

[4] At this time Wyvill and some of the Yorkshire reformers circularised the associated counties and towns with a view to gaining support for a more detailed petition, asking for the specific reforms outlined in the "Form of Association," and making a new departure in demanding the abolition of fifty rotten boroughs (*W.P.* II, ix. 3). However, as the suggestion did not meet with unanimous approval, it was abandoned, and Yorkshire petitioned "in general terms," adding their detailed demands in the form of resolutions only (*W.P.* II, ix. 8 and 9).

[5] *W.P.* II, xi. 6, 7, 8 and 9; *ibid.*, II, xii. 7; *ibid.*, IV, xxxv. 12; 8 and 9.

[6] *Parl. Hist.* XXIII, 834. Pitt brought forward three resolutions for the limitation of bribery; the disfranchisement of rotten boroughs and the addition of representatives to the Counties and the Metropolis.

[7] *Parl. Hist.* XXV, 438. Pitt's Bill appears to have attempted to disfranchise thirty-six rotten boroughs by purchase, the members being given to the Counties, London, and the great unrepresented towns. *W.P.* II, Appendix I.

[8] *W.P.* II. xv. 1 and 2; *ibid.*, II, xiii. 9.

[9] *Parl. Hist.* XXVIII, 454–60, March, 1790. *W.P.* II, 536.

[10] *Parl. Hist.* XXIX, 1300 *et seq.*, 1792.

radicalism became confused in the panic caused by the French Revolution.

The development of political radicalism was contemporary with this movement for a moderate reform of Parliament. The *Gentlemen's Magazine* for January, 1765, contained an article on "Reasons for Opposing an Extension of the Franchise," from which we gather that far-reaching changes in the constitution were already being considered. The political significance of the movement dates from 1771, when the Constitutional Society formed by the seceders from the Society for supporting the Bill of Rights,[1] recommended to every county, city and borough of the kingdom, a test for parliamentary candidates, in which the candidate was called upon to pledge himself to promote, amongst other reforms, "a full and equal representation of the people and the restoration of annual parliaments." [2] Many radical pamphlets were published in the next few years. An article in the January number of the *Royal Magazine* for 1771 discussed universal suffrage and annual parliaments. To the theory that the inhabitants of Manchester and Birmingham were virtually represented in Parliament, because people of the same class and interests in other towns had the power of electing members of Parliament, Granville Sharp replied, in 1774, with arguments based on "natural rights"; [3] in the same year Lord Stanhope published a work on parliamentary reform,[4] and two years later Major Cartwright's radical campaign began with "Take Your Choice." In 1776 Wilkes brought forward the first radical measure of reform in Parliament.[5] A second radical reform

[1] *Memoirs of Horne Tooke* (Stephens), I, p. 175. *Annual Register*, 1771. Chronicle, 93–4. Apr. 9, 1771.

[2] *Memoirs of H. T.* I, pp. 164–6; Woodfall's *Public Advertiser*, June 13, 1771; July 25, 1771.

[3] *Declaration of the People's Natural Right to a Share in the Legislature*, 1774.

[4] *Life and Correspondence of Cartwright*, I, p. 82.

[5] Wilkes proposed to give a vote to every free agent; to disfranchise the rotten boroughs; to give additional members to populous cities, and to shorten the duration of Parliament (*Parl. Hist.* XVIII, 1287–97).

bill was introduced in June, 1780, by the Duke of Richmond.[1]

The agitation for Economical Reform afforded machinery for the radical movement ; for the Committees of Association around the metropolis nearly all adopted and propagated radical views on reform. Soon after its formation the Westminster Committee appointed a sub-committee to consider the state of representation in England, which in March, 1780, made its report in favour of annual parliaments, universal suffrage and a more equal representative system.[2] The Committee of the City of London also passed resolutions in favour of annual parliaments.[3] In 1781 the line of cleavage between the moderate reformers of Yorkshire and the London radicals began to be marked.[4] There is much evidence of enthusiasm for universal suffrage in London in 1782.[5]

In the meantime, other radical organisations had been formed. In the spring of 1780 Cartwright's plans for a society for political enquiry [6] bore fruit in the foundation of the Society for Constitutional Information [7]—an educative and propagandist institution which published and distributed pamphlets and figures concerning the representative system in 1780 and 1782,[8] and from 1783 to 1785 took the lead in organising the agitation for reform.[9] After 1785, it was less active, but it continued in existence,[10] until its revival under the influence of the French Revolution. Another radical society had arisen under the leadership of Jebb in the Quintuple Alliance—an Association of the inhabitants of the Cities of London and Westminster,

[1] *Parl. Hist.* XXI, 686–8. Richmond proposed universal suffrage and annual parliaments.

[2] *W.P.* I, v. 12.

[3] *W.P.* I, v. 18.

[4] *W.P.* IV, xxxii. 7 ; and IV, xli. 3–9.

[5] *W.P.* IV, xxxv. 13.

[6] *Life and Correspondence of Cartwright*, I, p. 120 (1778).

[7] *Ibid.*, pp. 134–6 ; B.M. E.2101 (21) ; Add. MSS. 27808, fo. 4, and 27849, ff. 56–7 ; *W.P.* II, xvi. 1 and 2 ; *ibid.*, IV, xli. 3.

[8] *Proceedings*, 1780–2. B.M. E.2101 (13).

[9] *Life and Corr. of Cartwright*, I, p. 162. 3rd Address of S.C.I.

[10] *Life and Corr. of Cartwright*, I, p. 178.

of Southwark, Surrey and Middlesex for radical reform.[1] This organisation was especially active in 1781 and 1784.[2] Throughout the " eighties " a continuous stream of radical pamphlets and tracts was poured forth by the Society for Constitutional Information and by independent publishers.

Now these years which witnessed the genesis of parliamentary reform were the years when mechanical inventions were causing revolutionary changes in the methods, locality and output of industry, when immense developments and fluctuations of population were taking place.

This was the period of the sudden development of the cotton industry, which was largely due to inventions of machinery.[3] The " flying shuttle," [4] the earliest invention used in the cotton industry, came into general use in Lancashire in the early " sixties." [5] In the same decade, Robert Kay's " dropbox " [6] and Lewis Paul's carding-machine [7] were generally taken up in Lancashire.[8] Spinning by rollers [9] and the spinning " jenny " [10] were adopted soon after Arkwright's patent in 1769 and that of Hargreaves in 1770. Further changes and developments in the cotton industry followed Crompton's invention of the " Mule " in 1779. As a result of these mechanical inventions and the Act of 1774, permitting the manufacture of stuff entirely from cotton, in the ten years between 1770 and 1780 the

[1] *W.P.* IV, xxxvi. 5 and 6.

[2] *W.P.* IV, xxxvi. 5; IV, xli. 8. *Life of Cartwright*, I, p. 162.

[3] Daniels, *Early English Cotton Industry*, 1920, pp. 66 and 72.

[4] Invented by John Kay, of Bury, in 1733—Espinasse, *Lancashire Worthies*, 1874, p. 311.

[5] Daniels, *op. cit.*, p. 73; Ogden, *Description of Manchester*, p. 89, says that the flying shuttle was in general use in Manchester in 1783.

[6] Invented in 1760 (Guest, *Compendious History of the Cotton Manufacture*, p. 9).

[7] Patented in 1748 (French, *Life and Times of Crompton*, p. 266).

[8] Kennedy, *Brief Memoir of Crompton*, p. 329.

[9] Arkwright's actions in defence of his patents and the opposition thus aroused afford evidence of the widespread use of the water frame at the beginning of the next decade.

[10] Report of the Committee of the House of Commons on the Cotton Industry in 1780 states that the smaller " jennies " were in general use at that date (C.J., XXXVII, 925; Daniels, *op. cit.*, pp. 93–6).

output of the cotton manufacture was doubled and the number of looms trebled,[1] and in the following decade the factory system [2] was definitely established in the industry.[3]

Similar developments resulting from mechanical inventions took place in the hosiery and lace industries during these years.[4]

In the worsted industry a remarkable expansion took place at this time in the West Riding of Yorkshire,[5] which contributed largely to the rapid growth of Halifax,[6] Wakefield,[7] and Leeds.[8] This was also a period of phenomenal progress in the cloth manufacture of the West Riding.[9] Kay's " flying shuttle," which was introduced in the woollen industry in the " sixties," led to an increased production of cloth.[10] The output of broad cloth in 1785 was six times

[1] Daniels, *op. cit.*, p. 91 ; C.J., XXXVII, 926. The average import of raw cotton increased from six and three-quarter million pounds for 1776–1780, to twenty-five and a half million pounds for 1786–1790 (Baines, *History of Cotton Man.*, pp. 346–7).

[2] Baines, *History of Lancaster*, II, pp. 445 and 462.

[3] According to contemporary estimates, based on a survey in 1757, enumerations in 1773 and 1788 and vital statistics, the population of Manchester and Salford trebled between 1757 and 1791, increasing from 19,839 in 1757 to 27,246 in 1733, to over 50,000 in 1788, to between 65,000 and 74,000 in 1791 (Perceval, *Observations on the Population of Manchester*, 1773, p. 1 ; another edition, 1774, p. 39 ; *Further Observations*, n.d., p. 63 ; Aikin, *Manchester*, 1795, p. 157). During this period there was a great expansion of the area of roads and streets in Manchester (*Manchester Guide*, 1804). Infirmaries, Asylums and similar public institutions were founded (Aston's *Picture of Manchester*, 1816, pp. 116–19, 128, 134, 161–4, 175–6, 181–7, 194). Many additional places of worship were erected (*Ibid.*, pp. 70–102). Local Acts were obtained, and four local newspapers were begun (*Manchester Historical Recorder*).

[4] Felkin's *History of Machine-Wrought Hosiery*, pp. 88 and 102–14. Strutt's Derby Machine, invented 1758–9 ; and patents of Morris, 1763 and 1781 ; Crane, 1768 ; Else, 1770 ; Frost, 1769 ; Horton, 1771 ; Brockley, 1776 ; Ash, 1777 ; Holland, 1788–90. The number of hosiery looms in the three kingdoms in 1750 was 14,000, of which 10,000 were in the Midlands ; in 1782 the number of looms was 20,000, 17,350 of which were in the three Midland Counties (*Ibid.*, pp. 76 and 117).

[5] James, *History of Worsted Manufacture*, pp. 258 and 304 ; Heaton, *Yorkshire Woollen and Worsted Industries* (1920), pp. 259–70.

[6] *Ibid.*, p. 270.

[7] James, *op. cit.*, p. 265.

[8] Heaton, *op. cit.*, p. 273.

[9] Heaton, *op. cit.*, pp. 278–9.

[10] Lipson, *History of Woollen and Worsted Industries*, 1921, pp. 142–3 and 182–3.

that of 1727; the output of narrow cloth was more than double that of 1740; between 1770 and 1800 the output of broad and narrow cloth was trebled.[1] Increase of population,[2] extensive building,[3] the erection of Piece Halls [4] and additional places of worship,[5] the foundation of infirmaries, libraries, theatres and similar public institutions [6] at Leeds, Bradford, Halifax, Huddersfield, Wakefield and Sheffield resulted from these industrial developments. The ports of the north were extending rapidly. The Queen's Dock at Hull was built in 1775.[7] Contemporary histories of Liverpool speak of the expansion of the area of the town in the years between the Peace of Paris and the War with Revolutionary France; [8] additional docks were completed in 1777 and 1785,[9] and the population was trebled between 1750 and 1790.[10]

Owing to the growth of the hardware industry during the

[1] Heaton, *op. cit.*, p. 279.

[2] At *Leeds*, from the Bills of Mortality, it appears that the population was doubled between 1764 and 1790; between 1775 and 1801 the population was estimated as increasing from 17,117 to 53,102 (Aikin, *op. cit.*, pp. 575–6 and p. 571; Enfield, *History of Liverpool*, 1773, p. 25). At *Halifax* the population was estimated as increasing from 41,220 in 1764 to between 55,000 and 60,000 in 1791–3 (Watson, *History of Town and Parish of Halifax*, 1775, p. 146; Aikin, *op. cit.*, p. 567). The number of births at *Huddersfield* doubled between 1760 and 1790 (Aikin, *op. cit.*, pp. 553–4). The population of *Sheffield* was estimated by Aikin as 12,983 in 1755, 26,538 in 1788, over 30,000 in 1790, and over 45,920 in 1795 (Aikin, *op. cit.*, p. 550).

[3] For *Leeds*, see Baines, *Yorkshire Past and Present*, II, pp. 151–2.

[4] At *Huddersfield*, 1768 and 1780, Baines, *op. cit.*, II, p. 429. At *Halifax*, 1780–5. *Ibid.*, p. 388. At *Leeds*, 1758, 1775 and later. *Ibid.*, pp. 143, 150–1, 151–2.

[5] *Huddersfield*, *ibid.*, p. 434. *Bradford*, *ibid.*, pp. 306–10. *Sheffield*, *ibid.*, p. 488; Aikin, *op. cit.*, pp. 543–4. *Leeds*, *British Directory*, 1790, III, p. 533.

[6] *Hull*, Baines, *op. cit.*, p. 538. *Halifax*, *ibid.*, p. 399. *Wakefield*, *ibid.*, p. 467. *Sheffield*, *ibid.*, pp. 492–3; Aikin, *op. cit.*, p. 546. *Leeds*, Baines, *op. cit.*, pp. 148–50; Aikin, *op. cit.*, p. 575.

[7] Baines, *op. cit.*, p. 533.

[8] *A History of Liverpool*, 1797, Sections III and IV.

[9] Baines, *History of Liverpool*, p. 469.

[10] Enfield, *History of Liverpool*, 1773, pp. 25–8, Aikin, *op. cit.*, pp. 373–4; Eden, *State of Poor*, 1797, II, p. 327.

second half of the eighteenth century [1] there was a marked increase of population at Birmingham,[2] and Hutton, writing in 1783, lays stress on the attraction of population from the surrounding villages [3] and the "itch for building" which predominated about 1778—and it would appear to be "jerry building" too.

How far did these developments in population in unrepresented areas, this rapid growth of new classes and new interests, influence the political agitations of the time, which have been outlined?

The development of industrial population in new manufacturing areas contributed singularly little to the demand for a moderate reform of Parliament, which originated in Yorkshire, in its early stages; but there is evidence that the later phases of this moderate movement were influenced by the claims of these unrepresented towns. The resolutions and petitions of this party aimed at the improvement of the county representation only; [4] Pitt, in drawing up his resolutions for a moderate reform in 1783, refused to assign any of the members taken from disfranchised boroughs to the large unrepresented towns.[5] Even as late as 1790, Flood's bill proposed additional representation for the counties only.[6]

But the question of the representation of the manufacturing towns was being considered by the Yorkshire reformers from the inception of the movement, as is clear from Rockingham's letter to Pemberton Milnes in February, 1780;[7] from the approval of the Yorkshire Committee of Gamaliel Lloyd's reform clubs in industrial towns in that year,[8] and from Belchamp's letter to Wyvill in November,

[1] H. Scrivenor, *History of the Iron Trade*, p. 356.

[2] A. Young, *Political Arithmetic*, 1774; he estimated the population of Birmingham as 23,000 in 1750 and 30,000 in 1770.

[3] W. Hutton, *History of Birmingham*, 1783, p. 41.

[4] *W.P.* I, iii. 10 (Memorial of Deputies, March, 1780); *W.P.* I, vi. 8 (Resolutions of Deputies, March–April, 1781); *W.P.* II, ix. 3 (Circular Letter of York Committee, 1781); *W.P.* II, xi. 1. (Petition of 1783.)

[5] *W.P.* IV, xxix. 2.

[6] *W.P.* II, xvii. 1.

[7] *Rockingham Memoirs*, II, pp. 395–7.

[8] *W.P.* I, ii. 12.

1782, in which he suggests that the members taken from disfranchised boroughs should be given to the large unrepresented towns, whether they wished it or not.[1] It is possible that Wyvill and his associates did not make the representation of the new industrial towns an article of their programme, because they wished, while the reform movement was in its infancy, to preserve the support of Chatham's name by adhering closely to his proposals of 1770.[2]

Later some of the moderate reformers made a definite appeal to the industrial areas for support and made their representation one of their objects. In 1782 Wyvill was in correspondence with Priestley, who undertook to distribute copies of the Yorkshire Address in Birmingham [3] and two years later he asked Boulton to support the movement.[4] In 1783 we find Wyvill approving the suggestion of the Bury Committee, that members taken from corrupt boroughs should be given to the large unrepresented towns.[5] It was Wyvill who, in the same year, urged the claims of these populous areas on Pitt.[6] The speech of Mr. J. Milnes in a debate at a meeting of the County of York on February 10th, 1785, shows that this assembly of county gentlemen were now considering the claims of their industrial neighbours.[7] Pitt's Reform Bill of 1785 appears to have reflected this attitude in its proposal to give members taken from disfranchised boroughs to London, the counties and the unrepresented towns.[8]

To the radical movement the great increase of population in unrepresented towns during this period contributed considerably, by accentuating the anomalous nature of the representation and emphasising the need for a redistribution of seats. The absurdity of a representative constitution in which these important areas were not represented, and the

[1] *W.P.* IV, xxxiii. 15.

[2] See their hesitation to advocate the abolition of rotten boroughs on this account. *W.P.* IV, xxxiii. 4 (footnote).

[3] *W.P.* IV, xxxiii. 2.

[4] *W.P.* IV, xxxix. 12.

[5] *W.P.* IV, xxxv. 1 and 2.

[6] *W.P.* IV, xxix. 2.

[7] *W.P.* II, xiv. 4.

[8] *W.P.* II, Appendix I.

necessity of giving them representation was urged by radical writers in the early "seventies," as may be seen from Burgh's *Political Disquisitions*,[1] Wilkes' speech on his motion for reform,[2] and Cartwright's *Take Your Choice*.[3] One of the more radical supporters of the petition movement, writing to the *Kentish Gazette* in December, 1779, suggested that the number of delegates appointed by each county for the conference in London should be proportionate to its property and the manufacturing towns it contained.[4] The inconsistency of the representation of small decayed villages whilst "towns and places which have risen in consideration and become populous and wealthy have no representation in Parliament," was pointed out in the Report of the Sub-Committee of Westminster.[5] The Society for Constitutional Information in its second address to the public ridiculed "virtual" representation by which "the essence of a commercial city could be concentrated in a ruined sheepfold."[6] In 1783 the radicals began to appeal to the industrial towns for support. In the course of the year the Constitutional Society published Addresses to the Merchants, Manufacturers and other Inhabitants of Leeds, Wakefield, Halifax, Manchester, Birmingham, Sheffield, Rotherham and other unrepresented towns.[7] In the same year Cartwright published in a Leeds newspaper an "Address to the Tradesmen, Mechanics, Labourers and other Inhabitants of the Town" on parliamentary reform.[8]

In the new industrial towns themselves no demand for parliamentary representation seems to have been made during the early part of our period. In parliamentary

[1] *Political Disquisitions* (1774), p. 27.
[2] *Parl. Hist.* XVIII, 1287–1297 (March 22, 1776).
[3] *Take Your Choice*, 1777 ed., p. 39.
[4] *Kentish Gazette*, Jan. 1st, 1780, letter signed "Salus Publica."
[5] *W.P.* I, v. 18.
[6] Second Address of S.C.I., p. 9. See also *Proceedings*, May 30, 1783, and *Political Reformation on a Large Scale*, 1789 (Stone). Articles II, V, XVIII.
[7] S.C.I. *Proceedings*, July 18, 1783.
[8] *Life and Correspondence of Cartwright*, I, pp. 199–202.

speeches and in pamphlets the opponents of reform emphasised the apathy of the populous towns on this subject.[1] An attempt by some of the inhabitants to make Manchester a borough in 1763, met with very little support.[2] Writing in 1783, when the Yorkshire movement for reform was at its height and Pitt was proposing resolutions in favour of reform in Parliament, James Ogden in his *Description of Manchester* observed that " nothing could be more fatal to its trading interest, than if it should be incorporated and have representatives in Parliament. For such is the general course of popular contests that in places, where the immediate dependence of the inhabitants is not upon trade, the health and morals of the people are ruined upon these occasions. How much more fatal would the effects be in such a town as this ? " [3] George Phillips, one of the earliest Manchester reformers, attributed the apathy of such towns as Manchester, Birmingham and Leeds in the matter of reform to dread of election disturbances.[4] In the period under consideration Manchester, which had been Jacobite in the " forties," was still a Tory stronghold,[5] taking the lead in the recruiting and subscriptions for the attempt to coerce the American Colonies,[6] and fêting Lord North in 1782.[7] To Wyvill's Circular Letter on parliamentary reform the Constables of Manchester, after congratulating themselves that the town was not a Corporation, replied that the inhabitants considered it was " by no means proper, in the present critical situation of public affairs, to raise disputes and dissensions in the kingdom, about altering and

[1] *W.P.* IV, xxxixx. 12 (footnote). *Dialogue on the Actual State of Parliament* (1783), p. 22.

[2] *Annals of Manchester*, 1763.

[3] *A Description of Manchester*, Ogden (1783), pp. 93–4. See also *Manchester Guide* (1804), pp. 55–6 for a similar view.

[4] Geo. Phillips, *On the Necessity of a Speedy and Effectual Reform*, p. 21 ; for similar views on the adverse effects of Parliamentary contests, see *View of Real Grievances*, 1772 ; *General View of England*, 1776, p. 28 ; *Enquiry into the Management of the Poor* (1767), p. 31.

[5] *Annals of Manchester*, 1777.

[6] Horace Walpole, *Last Journals*, II, 89. Jan., 1778.

[7] *Ibid.*, II, p. 469 ; *Annals of Manchester*, 1782.

amending our excellent constitution, under which the inhabitants of Great Britain and her colonies have enjoyed more real liberty and property than any upon earth." [1]

Hutton's *History of Birmingham*, written in the same year as Ogden's *Description of Manchester*, expresses a like indifference or rather aversion from parliamentary reform.[2] Birmingham and the surrounding districts appear to have been still devoted to High Church and Tory interests at this time.[3] Wyvill's letter to Boulton in 1784 suggesting that meetings in favour of Parliamentary Reform might be promoted in Birmingham elicited no reply.[4]

Liverpool, another newly developed and inadequately represented town, was also a centre of Toryism at this period: [5] in the election of 1780 Tory members were returned though opposed by a Whig, who had the advantage of being a supporter of the Slave Trade, and the nominee of a late member, who had recently vindicated the rights of all the freemen to vote in Parliamentary elections.[6] Burke, writing to Fox, in September, 1789, when his official attitude was still Whig, spoke of the manufacturing towns as the "headquarters" of Toryism.[7]

Pemberton Milnes' letter to Wyvill in 1779 and a passage in the *Leeds Intelligencer* of January, 1780, tend to prove that the Yorkshire reform movement met with no support in Leeds and the West Riding in these early years.[8]

In modification of this view that the industrial areas were indifferent to Parliamentary representation, it must be remembered that Birmingham, from the early "seventies"

[1] *W.P.* II, x. 10.

[2] W. Hutton, *History of Birmingham* (1783), p. 83 and p. 328.

[3] Oldfield, *Representative History*, V, 63–64.

[4] *W.P.* IV, xxxix. 12.

[5] *See* Addresses of loyalty on occasion of Wilkes' Election and at the outbreak of the war with the Colonies—Picton, *Liverpool Municipal Records*, II, and the success of recruiting at Liverpool. Walpole, *Last Journals*, II, p. 89.

[6] Collection of papers, etc., printed during contest for Borough of Liverpool, September, 1780.

[7] *Memorials of Fox*, II. p. 359 (Burke to Fox, Sept. 9, 1789).

[8] *W.P.* III, xx. 20; *Leeds Intelligencer*, Jan. 25, 1780.

at least, had been of sufficient size and financial importance to control the return of one of the two members, who represented Warwickshire.[1] As early as 1780 there had been a Constitutional Society at Nottingham, whose objects were based upon the "Rights of Man."[2] At the same date Gamaliel Lloyd, of Leeds, was organising correspondence clubs to support the reforming principles of the Yorkshire petitioners in Manchester, Liverpool, Nottingham, Norwich, Birmingham and Exeter.[3] In 1785 inhabitants of the West Riding towns, which had been indifferent to reform in 1780, signed the requisition to the Sheriff for a county meeting to support reform.[4] The Birmingham "Commercial Committee" considered petitioning for Parliamentary Reform in 1785,[5] and at Manchester a prominent merchant such as Thomas Walker was from his youth familiar with criticisms of the English representative system.[6]

The evidence suggests that in the years immediately preceding the Revolution in France, minorities with liberal interests were growing up in the new industrial towns, which formed the nucleus of that outburst of zeal for political reform which took place in Manchester, Birmingham, Sheffield, Liverpool and other towns during the early years of the French Revolution.

The rise of new classes and new interests, as a result of the industrial and commercial developments of the time, must also have contributed something to the demand for an extension of the franchise at this period. Evidence of a general perception that new classes were growing up abounds. Fielding's letter to the *Public Advertiser* is too well known to need quotation.[7] The rise of the "turbulent open vestry" and the attacks on the arbitrary and exclusive

[1] Hutton, *History of Birmingham*, pp. 65–6; Oldfield's *Representative History*, V, 63–4.

[2] *W.P.* I, v. 9. (Resolutions, May 2, 1780).

[3] *W.P.* I, ii. 12.

[4] *W.P.* IV, xxxvii. 9.

[5] *Leeds Intelligencer*, Jan. 28, 1785.

[6] Walker, *Review of Political Events*, p. 5. He describes himself as a pupil of Wm. Burgh, author of *Political Disquisitions*.

[7] *Public Advertiser*, Sept. 11, 1760.

government of close corporations, such as the attempt of the Bristol citizens in 1755 to remove the control of the City Watch from the Corporation to an elective committee,[1] are signs of this development of new classes.

The opposition of wealthy merchants and successful business men to the aristocratic patrons of rotten boroughs in parliamentary elections was another sign of this social revolution. This invasion of the market, in which boroughs were bought and sold by moneyed rivals of the old aristocracy, was a source of complaint to men as diverse in their views as Shelburne and Horace Walpole, who bewailed that after all the expenses of "nursing" a constituency "when the crisis comes you are liable to be outbid by any 'nabob' or adventurer and you must expect all that you have done to go for nothing,"[2] and that "many old families of country gentlemen have been rooted out and their estates sold, by the ruinous expense of contesting their election against upstarts, who have risen to sudden fortunes."[3] The election of 1774 called forth a protest in the *Gentlemen's Magazine* against the "nabobs,"[4] West Indians, noblemen's servants, stockbrokers, agents and lawyers who offered themselves as candidates to the destruction of "old family interests."[5] Moneyed men of all trades and professions were seeking election: a stocking-maker at Wells,[6] a lace-

[1] *Parl. Hist.* XV, 469–512. *Transactions of the Corporation of the Poor*, Johnson (1826), p. 121.

[2] FitzMaurice's *Shelburne*, II, p. 359 (1912 edition).

[3] Walpole, *Last Journal*, I, 310 (1774); *ibid.*, pp. 288, 299–309; II, 17.

[4] General Smith, the son of a cheesemonger and successful Indian merchant, who corrupted the Hindon electors and was satirised as Nathaniel Mite in Foote's comedy, "The Nabob," was typical of this class of adventurer. Walpole, *op. cit.*, I, 545–6 and 562; "The Nabob" was produced at the Haymarket on June 29, 1772.

[5] *Gentlemen's Magazine*, Sept., 1774; *see also* Tucker, *The Case of Going to War for the Sake of Procuring Trade* (1763), p. 55, in which the loss of family boroughs to war profiteers was advanced as an argument against war.

[6] In 1765 an attempt was made to set up a wealthy stocking-maker as a rival to the Dean's candidate at Wells. *Letter to a Great Man in the City of Wells by a Stocking-maker*, 1765.

manufacturer at Wendover,[1] an Antigua merchant at Southampton.[2] Portsmouth nearly succeeded in escaping ministerial control in 1774, with the help of one Joshua Iremonger, "a gentleman of great opulence and independence."[3] But attornies, bankers and apothecaries appear to have been the most successful rivals to the nominees of aristocratic patrons and ministers. The elections at Leominster,[4] Shaftesbury,[5] Ilchester,[6] Rochester,[7] Haslemere,[8] Gatton,[9] Devizes,[10] Malmesbury,[11] Wootton Basset,[12] Heydon,[13] Bewdley,[14] and Evesham[15] were all controlled by members of these professions in the years around the close of the eighteenth century.

It was doubtless in response to a sense of the growing importance of these new classes, that Chatham appealed to the "voice of the people"[16] and Wilkes declared himself champion of "the liberty of all the middling and inferior sort of people."[17] The proposal to increase the county representation advanced by the moderate reformers, who appear to have opposed aristocratic influence almost as much as that of the Crown,[18] was an attempt to meet the claims of these new classes. The Radicals, who made a redistribution of seats on a basis of proportionate representation one of the aims of their programme, were more

[1] In 1768 a rich lace-manufacturer opposed Lord Verney's interest at Wendover. Oldfield, *Rep. Hist.* III, p. 89.

[2] *Burke Correspondence*, I, pp. 200–201.

[3] Oldfield, *Rep. Hist.* III, p. 504.

[4] *Ibid.*, IV, 17. [5] *Ibid.*, III, 406–7. [6] *Ibid.*, IV, 463.

[7] *Ibid.*, IV, 67. [8] *Ibid.*, IV, 599. [9] *Ibid.*, IV, 607.

[10] *Ibid.*, V, 157. [11] *Ibid.*, V, 180. [12] *Ibid.*, V, 231.

[13] *Ibid.*, V, 313. [14] *Ibid.*, V, 256. [15] *Ibid.*, V, 251.

[16] *Rockingham Memoirs*, I, 45; *Annual Register*, 1761, p. 43.

[17] *Wilkes' Correspondence*, I, 117. (Speech at Court of Common Pleas, May 6, 1763.) The phrase is repeated in the letter to the Aylesbury electors.

[18] For opposition to aristocratic influence within the ranks of the moderate reform party, *see* Turner to Wyvill, Dec., 1779, *W.P.* III, xx. 39; Clerk of Tenby to the Yorkshire Committee, 1782, *W.P.* II, x. 4; Chairman of Bridgewater Committee to Yorkshire Committee, Dec., 1782, *W.P.* II, x. 21; Wyvill's conversation with Pitt, May 3, 1783, *W.P.* IV, xxix. 2; Wyvill to Fauconberg, Jan., 1785, *W.P.* IV, xxvii. 9; also *W.P.* II, Appendix I.

directly influenced by the needs of recently developed classes than the moderate reformers. The author of *Political Disquisitions* pointed out that " in ancient times, there was no property but land and therefore all powers and honours were heaped on the landed men," with the consequence " that the landed interest was too well represented to the detriment (in our times) of the mercantile or monied," since country gentlemen were incapable of judging in mercantile matters.[1] This attitude was reflected by a letter published by the Constitutional Society in 1783 advocating the representation of the commercial classes, " citizens and householders amenable to every tax, adequate from education and from property to have a right to judge of the fitness of their representatives ; men bred to professions ; men living upon acquired fortunes, but vested in securities deemed by them more eligible than landed property ; manufacturers and citizens of various denominations ; . . . the immense number of men and families employed in the long detail of internal commerce." [2] In the same year in their Addresses to the Merchants, manufacturers and other inhabitants of Manchester, Birmingham and the West Riding towns,[3] this Society pointed out as reasons, why they should support reform, their need of representatives in Parliament, who were well informed in matters of trade and commerce,[4] and the connexion between heavy taxation and the corruption of the existing parliamentary system.[5] Elections for a reformed Parliament would not be accompanied by disorder and disturbance of trade.[6]

It must be observed that most of these references to the rise of unrepresented classes and new interests dealt with the results of the general development of trade in the eighteenth century rather than of the changes brought about by the Industrial Revolution proper. It was the claims of

[1] *Political Disquisitions*, 1774, p. 51.
[2] *Proceedings of S.C.I.*, May 30, 1783.
[3] *Ibid.*, July 18, 1783.
[4] *Ibid.*, p. 22.
[5] *Ibid.*, pp. 23, 26.
[6] *Ibid.*, p. 25.

merchants, investors in commerce and the professions connected with trade, rather than those of the master manufacturers, that were being considered. Manufacturers apparently did not feel the need for Parliamentary representation until the early nineteenth century. In the period that we are considering they seem to have obtained redress of their grievances and adequate protection of their interests by means of trade organisations and extra-legal machinery evolved to support parliamentary petitions and addresses. Thus, in order to check the embezzling of wool by the wool combers,[1] the manufacturers of worsted in the West Riding, Lancashire and Cheshire associated, and after many meetings and conferences applied successfully to Parliament for the constitution of a permanent committee to inspect the trade and punish delinquents.[2] This committee protected the interests of the worsted manufacturers in other directions by agitating against the export of wool [3] and machinery and by opposition to legislative efforts to stop the use of mechanical inventions.[4]

The successful agitation of the master manufacturers, dyers and bleachers against Pitt's Fustian Tax in 1784 [5] and the Association of Cotton Manufacturers, by means of which the actions brought by Arkwright for the infringements of his patents were defended and the patents annulled,[6] were other examples of the way in which the industrial magnates maintained their interests at this time,

[1] James, *History of the Worsted Industry*, pp. 292–4.

[2] Worsted Acts, 1777. 17 Geo. III, 11 ; 17 Geo. III, 16.

[3] *Commons' Journal*, XXXVI (1777). Petitions, 85, 95 ; Report and Bill ordered, 113 ; Brought in, 152 ; Petition, 188 ; p. 318. James, *op. cit.*, pp. 299, 304–5 ; 28 Geo. III, 38.

[4] James, *op. cit.*, 299. Similar Committees were set up for Suffolk (*Commons' Journals*, XXXIX, 921, 971, 982 ; XL, 78, 102, 315), Northamptonshire, Huntingdonshire, Cambridgeshire, Ely, Bedfordshire, Leicestershire, Rutland and Lincolnshire. *Commons' Journals*, XL, 611, 615, 866, 876; p. 1067.

[5] *Manchester Historical Recorder*, 1784 and 1785 ; *Annals of Manchester*, 1786.

[6] *Manchester Historical Recorder*, 1781 and 1785 ; *Annals of Manchester*, 1781.

without the assistance of parliamentary representation.[1]

It was not until the closing years of the eighteenth and the early nineteenth century, that the captains of industry began to seek political influence through election to Parliament. In the election of 1796, John Horrocks, the owner of extensive cotton mills at Preston, opposed the long-established influence of the Earl of Derby. He failed, but was successful in 1802.[2] In the same year two manufacturers gained control of the representation of Wigan, which had been under the patronage of the Duke of Portland for thirty-eight years.[3] Contemporary writers variously date the growth of a general and widespread interest in parliamentary reform among wealthy manufacturers, from the unpopularity of the Orders in Council [4] and the agitation against the export of cotton yarn in the years between 1799 and 1817, when the manufacturers believed that their case was ignored, because men with vested interests in the export of cotton controlled Parliament through the rotten boroughs.[5]

The economic changes of the period may well have contributed to the political movement in other ways. The part played by private enterprise in this great development of trade and manufacture and the difficulty of regulating rapidly expanding and changing industries fostered the general acceptance of *laissez-faire* theories of economic policy, which had been gaining ground since the early part of the century. The adoption of a *laissez-faire* policy by central and local government authorities was a source of

[1] Similar meetings and conferences of manufacturers resulted in the petition of 1788 for a drawback to encourage the export of English cotton goods (*Annals of Manchester* and *Manchester Historical Recorder*, 1788). An extensive Association of Master Manufacturers of Manchester and Stockport organised the agitation against the export of cotton yarn in 1800. (Radcliffe, *Origin of New System of Manufacture*, pp. 11–13.) *A History of Preston* (1822), pp. 62–3.

[2] Oldfield, *Representative History*, IV, pp. 97–8.

[3] Oldfield, *op. cit.*, IV, pp. 117–18.

[4] Oldfield, *op. cit.*, IV, 106–7; V, 63–4.

[5] Radcliffe, *Origin of New System of Manufacture*, pp. 70, 190–1.

widespread unrest and continual complaint amongst the working classes during the period under consideration. When the government abandoned its paternal attitude in its economic policy, and left all men to scramble for themselves, some sections of the community found they had needs such as were unimaginable under the old system. It was a natural consequence that these classes should seek every possible weapon for protection, and amongst these, political power. *Laissez-faire* in economic policy must in this way have fostered the substitution of the theory of the representation of numerical majorities for "virtual" representation and the development of the idea (theoretically traceable to Rousseau) that a man's right to vote depends not so much on his capacity to share in government, or his "stake in the country," as on his need of the franchise as a protection.

As an example of unrest traced by contemporaries to the Government's *laissez-faire* policy, we may take the case of the silk weavers, who were continually demanding more State regulation of their industry, as a remedy for their distress. The lack of an established price for labour in England gave "base and ill-designing masters" the opportunity to reduce wages in a slack time,[1] wrote a weaver whose father took part in a strike of eleven weeks at Taunton against lowered wages.[2] Riots, combinations and destruction of the masters' looms were the result of these reductions.[3] Machine breaking[4] brought the question of the silk weavers' wages to a crisis in 1773, when a Bill to regulate the wages and prices of journeymen weavers in Spitalfields and the number of apprentices allowed in the silk industry in London was

[1] Sholl, *A Short Historical Account of the Silk Manufacture* (1811), p. 2.

[2] *Ibid.*, p. 39.

[3] Sholl, *op. cit.*, p. 2. The Spitalfields Act of 6 Geo. III contained clauses punishing the destruction of silk manufactures and implements used therein; in 1782 a more effective bill for the same purpose was brought in (*Commons' Journals*, XXXVIII, 981, 991, 1065). For evidence of illegal combinations amongst the silk weavers, see *Commons' Journals*, XXX, 376.

[4] Sholl, *op. cit.*, pp. 2–3; Felkin, *History of Machine-Wrought Hosiery*, p. 228.

passed, by which magistrates were empowered to settle and regulate the wages of the silk weavers employed within their respective jurisdictions.[1] The silk weavers of Coventry petitioned for the extension of the provisions of the Act dealing with wages to include Coventry and Warwickshire in 1790.[2] But as the expenses of the law fell upon the persons who applied for redress, it was a very defective regulation of the industry from the workers' point of view, and combinations were soon being formed again to raise money to enforce the Act.[3]

There is evidence of similar opposition to *laissez-faire* amongst the wool spinners, who demanded the fixing of wages and prices of spinning by the justices in accordance with the Elizabethan Statute.[4] In the hat manufacture [5] and the hosiery trade,[6] amongst the West of England weavers [7] and the journeymen dyers and calico printers,[8] there were like complaints about the non-execution or the abrogation of the regulations and restrictions of Tudor and Stuart legislation as to wages or apprenticeship. The coal-heavers of London [9] complained of the depression in their

[1] 13 Geo. III, 68; *C.J.* XXXIV, 320; Sholl, *op. cit.*, p. 3.

[2] *C.J.* XLV, 230, 264, 270, 322, 403.

[3] Sholl describes such an association formed in 1777, called the "Union," which for many years met at the "Knave of Clubs," Club Row, Bethnal Green, the members of which paid one penny a week to defray legal expenses, should any master attempt to lower wages (Sholl, *op. cit.*, pp. 3–4).

[4] *Letter to a Member of Parliament on the Necessity of an Amendment to the Laws Relating to the Woollen Manufacture* (1787), pp. 9, 25–30.

[5] The hatters combined against low wages and the removal of restrictions on the number of apprentices taken by masters (14 Geo. III, *Commons' Journals*, XXXVI, 118, 192, 231, 240, 257, 268, 287, 307, 329, 401, 529, 533, 539 (1777).

[6] The decline of the power of the Chartered Company, after the refusal of the Government to support its bye-laws in 1745, was followed by decreased wages and increase of apprentices (Felkin, *op. cit.*, pp. 81, 73, 75, 79, 82); *C.J.* XXXVI, 635, 728, 740; XXXVII, 117, 294, 301, 360, 370, 386, 396, 400, 418, 421, 441. The rejection of two bills for the regulation of apprenticeship and wages resulted in machine breaking in 1779, order only being restored on the promise of the masters to pay all manufacturers a "fair price."

[7] *C.J.* XXVII, 468, 503, 683, 728, 730, 733, 741, 753 (1756).

[8] *C.J.* XXXVI, 131, 193, 257, 283, 535 (1777).

[9] *C.J.* XXVIII, 73, 222; XXIX, 122, 319, 766, 888, 836 (1758–9).

wages, because there was no regulation by the Government of their recently developed industry, the journeymen masons complained that their wages had not been settled or re-adjusted for seventy years.[1]

Social reformers of the time frequently demanded the enforcing of the paternal economic policy of the Tudors and Stuarts, such as the fixing of wages and food prices by the justices or by some central authority.[2] Even more common was the demand that the laws against forestalling, regrating and engrossing should be executed.[3]

But apart from questions of wages, prices and apprenticeship, the Industrial Revolution, accompanied by an economic policy of *laissez-faire*, caused distress amongst the working-classes, through changes in manufacturing methods, sudden fluctuations in industries, dangerous working conditions and insanitary housing, which gave rise to political and social speculations. The adoption of spinning machinery at Mellor in Lancashire, in the years 1770–1778, resulted in destitution for many and a consequent increase in the Poor Rates.[4] Many contemporary writers pointed out excessive pauperism as a characteristic of manufacturing areas.[5] Bad conditions of work and housing in the new industrial towns were already calling forth comment.[6] As early as 1756 the dangers and wretchedness of industrial conditions were for Burke a source of rhetoric and political speculation.[7] A comparison of the lot of the British worker

[1] *C.J.* XXXV, 491, 695.

[2] *Reasons for Late Increase of Poor Rates* (1777), p. 41; *Considerations on the Policy, Commerce and Circumstances of the Kingdom* (1771), pp. 186, 193–6.

[3] *Gentlemen's Magazine*, Apr., 1760, p. 190; July, 1763, pp. 534–5; Jan., 1764, p. 27; Nov., 1764, p. 335; Fielding's *Charge to the Grand Jury at Westminster*, 1763 (Apr.), etc., etc.

[4] Radcliffe, *Origin of New System of Manufacture*, p. 62.

[5] *General View of England* (1766), pp. 27 and 29; *Observations on the Number and Misery of the Poor* (1765), pp. 5–6; *Thoughts on Trade and Commerce* (1770); *Considerations on the Policy, etc., of Kingdom*, p. 3.

[6] *Observations on Population of Manchester*, pp. 31, 42–3; Hutton, *History of Birmingham*, p. 50 (1783).

[7] Burke, *A Vindication of Natural Society*, p. 42 (Works, I, Bohn).

with that of the West Indian slave, often in favour of the latter, was a commonplace in the literature of the early slave trade controversy.[1] Both Burke and the apologists for the slave trade were especially struck by the dangers and sufferings to which miners were exposed. This may be a reflection of the great development of coal-mining at this period. Owing to mechanical inventions and the demand for coal for smelting purposes, coal-mining activities increased, and shafts were sunk into deeper and more fiery strata,[2] with the result that there was a great increase in the number of serious explosions. That these disasters made a considerable impression on the public may be gathered from the efforts of the authorities to " hush up " the details.[3]

Closely associated with the social changes of the Industrial Revolution and a conspicuous example of the Government's *laissez-faire* policy, was the eighteenth-century movement for the enclosure of the common fields, caused by the remarkable increase in urban population demanding a greater supply of food, improvements in means of transport, scientific interest in farming and accumulation of capital. The enclosures between 1760 and 1790 appear to have been largely of common field rather than of waste,[4] the chief regions affected were the counties of Buckingham, Huntingdon, Leicester, Lincoln, Nottingham, Northampton, Oxford, Rutland and Warwick, that is, old corn-growing areas, where agricultural settlements had long been established and the customs of the open-field system were deeply

[1] Baines' *Hist. of Liverpool*, pp. 473–4; *Considerations of the Policy, etc., of the Kingdom* (1771), p. 35; Dyer, *Complaints of the Poor People*, p. 1; Ramsay, *Essay on Treatment of African Slaves* (1784), p. 92; *Apology for Negro Slavery* (1783), pp. 30–3, 61–3; Dickson, *Letters on Slavery* (1789), pp. 51–2 and 85; Francklyn, *Observations Occasioned by Attempts to Effect the Abolition of the Slave Trade* (1789), pp. 8–9, 12–13, 34–5; Francklyn, *Answer to Clarkson's Essays* (1789), pp. 199–202 and 220.

[2] Galloway, *Annals of Coal-Mining*, I, p. 232, and *History of Coal-Mining*, pp. 121–7.

[3] *Newcastle Journal*, March 21, 1761, quoted in *Annals of Coal-Mining*, I, pp. 272–3; Boyd, *Coal-Pits and Pitmen*, pp. 42–3.

[4] Gonner, *Common Land and Enclosure* (1912), Appendix D.

rooted. The enclosures for the most part affected entire villages in one act. In four counties they were accompanied by a decline in wheat acreage,[1] and there is much evidence that enclosure in these counties meant conversion from arable to pasture, with a consequent decrease in employment. The poor suffered further at these enclosures, through the loss of those co-operative institutions, such as the common shepherd, the holding of pasture in common, and the manuring of the arable land by the common flock, by means of which they had been able to practise grain and pasture farming—the sphere of the large-scale farmer [2]; they were excluded from these branches of farming at a time when there was very little demand for the produce of small holdings.[3] They were also injured by the neglect, in the awards of compensation, of all prescriptive rights which were not recognised by legal theory,[4] by the sudden termination of leases at enclosure,[5] by the heavy expenses of enclosure, by the unfair methods by which the acts were often carried out,[6] and by the difficulties and expenses of the transition.[7] The changes brought about by these Enclosure Acts were in each village sudden, spectacular, and accompanied by a great deal of public indignation. It is natural to expect that such revolutionary changes involving loss of land and pauperism to many, executed in an arbitrary manner, would cause, besides immediate opposition, a considerable amount of political speculation. The fact that the change was carried out with the sanction of Parliament might be expected to give rise to questions as to how such things could occur under a Government avowedly popular, and the consequent realisation by the masses of their need of the

[1] Report of 1801 on Wheat Acreage.

[2] *See* Davis, *General View of the Agriculture of the County of Wilts*, 1794.

[3] *See* Levy, *Large and Small Holdings*.

[4] *See* Essay on Nature and Method of Ascertaining Specifick Shares upon Enclosure (1769), Homer, p. 22; *General Report*, p. 157.

[5] *General Report on Enclosures*, pp. 12–13.

[6] *See* L. and B. Hammond, *The Village Labourer*, Chaps. III and IV.

[7] Homer, *op. cit.*, pp. 31 and 32.

protection of the parliamentary vote and a more direct control over the Government.

Radical tracts and pamphlets advocating universal suffrage contain many arguments about the rights of the poor to the franchise as a means of protection, which may owe their origin to observations of, and deductions from, contemporary social conditions in industry and agriculture. In support of the first proposal in Parliament for universal suffrage, Wilkes declared that: "The meanest mechanic, the poorest peasant and day labourer has important rights respecting his personal liberty, that of his wife and children, his property however inconsiderable, his wages, his earnings, the very price and value of each day's hard labour, which are in many trades regulated by the power of Parliament. Every law relative to marriage, to the protection of wife, sister or daughter, to every contract or agreement with a rapacious and unjust master, is of importance to the manufacturer, the cottager, the servant, as well as to the rich subjects of the state." [1] This idea, that the poor have a property in their own liberty and labour and their wives and children, which needs the protection of the vote as much as rich men's property, occurred repeatedly.[2]

Another argument for universal suffrage which may have owed something to consideration of social conditions in England at the time was that votes should be given to the poor because they bore the burden of civilisation by payment of heavy taxes [3] on necessaries, by labour for inadequate reward [4] and by military service enforced by the press gang, [5] and that this excessive burden was imposed

[1] *Parl. Hist.* XVIII, 1295; Wilkes, March 22, 1776.

[2] *See* Norgate's *Notes to a Republication of Sir Wm. Jones' Dialogue between a Gentleman and a Peasant* (1797), p. 42; Geo. Phillips, *Necessity of a Speedy and Effectual Reform* (1792), p. 14; *Political Disquisitions* (1774), p. 37; Cartwright, *Take Your Choice* (1776), pp. 19–20.

[3] Day, *Dialogue between Justice and Farmer* (1785), pp. 1 and 57; Cartwright, *Take Your Choice*, p. 20; *Political Disquisitions*, p. 37.

[4] Day, *op. cit.*, pp. 7, 41–2; *Take Your Choice*, pp. 20–1.

[5] *Take Your Choice*, p. 24.

on them because they lacked political power. Taxes on necessaries, press warrants and the severity of the Game Law led George Phillips of Manchester to the "unavoidable inference that the rights of the poor will not be sufficiently protected unless they have either directly or indirectly a vote in framing laws for their own government." [1]

The attitude which regarded the vote as a means of protection and a need, rather than an obligation or privilege, is clearly seen in the argument that the poor man's lack of property, and therefore of all legal means of defence, was the very reason why he ought to have a vote.[2]

But these ideas and arguments must not be attributed too hastily to the influence of contemporary social conditions. Many of them may be traced to purely academic speculations or current literary fashions, which had no connexion with economic conditions in England at the time. Cartwright acknowledged his debt to Locke for his reflection on the property which the poor have in their labour,[3] and his vivid picture of the injustice of the poor man's position which forces him to robbery came from Beccaria's [4] *Essay on Crimes and Punishments*, an English translation of which was published in 1767.[5] Wilkes, who advocated the extention of the franchise to the poor, in order that they might defend themselves against rapacious masters, probably owed his liberal ideas more to a republican education at Leyden, intercourse with Geneva, and contact with the Duke of Richmond, and Hume, Holbach and Helvétius, than to personal observation of the lives of artisans in

[1] George Phillips, *op. cit.*, p. 15.

[2] *Take Your Choice*, pp. 20 and 24; *Political Reformation on a Large Scale* (1789), Article II. *Notes to Sir Wm. Jones' Dialogue* (1797), p. 43; Phillips, *Necessity of Speedy and Effectual Reform*, pp. 13–14, etc.

[3] *Take Your Choice*, pp. 20–1.

[4] *Ibid.*, pp. 25–6.

[5] *Gentlemen's Magazine*, 1765 (Aug.), has short notice of Morellet's French translation of the essay, 1765.

England.[1] As is well known, the intercourse between the men of letters and thinkers of Europe in the second half of the eighteenth century was very close. Intimacy between French and English society was especially marked. Long before the taking of the Bastille, France was paying back to England her debt of political and literary ideas contracted earlier in the century. Rousseau's *Contrat Social* was translated into English within a year of its original publication: the eccentricities of his visit in 1766 called the attention of English people to his work.[2] Priestley showed that he had read and considered the ideas of the *Contrat Social* in his *Essay on Government*.[3] Cartwright also had evidently read him.[4] The important part played by Shelburne—the friend of Morellet, Turgot, Holbach and Beccaria, the patron of Priestley, Price, Dumont, Bentham, Romilly, Dunning, Barré, Alderman Townshend and Horne Tooke—in disseminating continental political ideas and encouraging political speculation in England is too well known to call for more than passing reference.[5] Others who appear to have owed their liberal ideas to contact with foreign political thought and practice were the two noblemen with whom Cartwright was corresponding in 1778, with a view to forming a society for political enquiry—the Duke of Richmond[6] and the Earl of Abingdon.[7] The Earl of Stanhope,[8] one of the earliest advocates of reform, and his son, Lord

[1] *Wilkes' Correspondence*, I, 9; II, 172 and 204, 188, 35, 36, 219; IV, 63, 49 and 306; Stephens' *Life of Horne Tooke*, I, 89.

[2] See *Gentlemen's Mag.*, Jan., 1766, Chronicle; *London Mag.*, Jan. 1, 1766. Accounts of his life were published in 1766 in the *London Chronicle* (Jan. and Feb.), *London Mag.* (Feb.) and the *Monthly Review* (Jan.).

[3] Priestley, *Essay on Government*, 1768, p. 7.

[4] *Life and Corr. of Cartwright*, I, pp. 49–50.

[5] FitzMaurice's *Shelburne*, I, chap. xiii.

[6] Duke of Richmond received his University education at Leyden.

[7] "The Earl of Abingdon went at an early age to Geneva, where he became imbued with many democratic doctrines that were promulgated in that Republic" (*Rockingham Memoirs*, II, 311).

[8] Lord Stanhope was educated at Utrecht and Geneva; he settled in the latter place for ten years, when his son was still young. Lord Mahon affected a "Rousseauesque" simplicity in his dress.

Mahon, who played a leading part in the reform movement in Kent in 1780, both seem to have acquired democratic ideas through contact with Geneva.

However, *some* radical arguments advanced at this time bear unmistakable evidence of the influence of contemporary social conditions. George Dyer based his demand for parliamentary representation of the poor on a detailed consideration of the inadequate reward of the labour of the poor,[1] the heavy burdens imposed on them by the Militia and Statute work,[2] the crushing taxation of necessaries,[3] the landless condition of the poor owing to enclosures,[4] and their low wages out of all proportion to the large and rapidly acquired profits of employers in both agriculture and manufactures.[5] All these evils would be ameliorated if the poor received representation in Parliament.[6] Similarly the author of the reply to Paley's *Reasons for Contentment* pointed to enormous fortunes[7] amassed through the labour of others, with the assistance of the Combination Laws, which prevented the workers from uniting to obtain fairer wages, though the masters were allowed to combine,[8] as results of the control of Parliament by the rich, which could be remedied only by representation of the poor in Parliament.[9] Consideration of the hard lot of the poor and the deterioration of their position by the change from natural to civil society led Woodward, in his *Address on the Poor*, to the conclusion that "virtual" representation was a chimera. "The case of the poor is perhaps the strongest instance that the whole body of the people are not represented, because the interest of the poor calls for a tax on the rich, and therefore is in direct opposition to the supposed

[1] *Complaint of the Poor People of England*, G. Dyer, p. 2.
[2] *Ibid.*, pp. 12 and 2. [3] *Ibid.*, p. 12. [4] *Ibid.*, pp. 62 and 73.
[5] *Ibid.*, pp. 16, 73 and 74. [6] *Ibid.*, p. 3.
[7] Letter to Wm. Paley, M.A., from a Poor Labourer in answer to his *Reasons for Contentment*, 1793, p. 8.
[8] Letter to Wm. Paley, M.A., from a Poor Labourer in answer to his *Reasons for Contentment*, 1793, p. 13.
[9] *Ibid.*, pp. 13 and 35.

interest of all the representatives and almost all who are concerned in electing them." [1] The influence of the enclosure movement on the development of the demand for parliamentary reform is directly seen in Cooper's reply to Burke in 1792: "How little the interests of the poor are taken care of, and how necessary it is that the voice of the poor man should be heard with attention and respect in the House of Commons, the numerous enclosure bills are pregnant instances, where, as in the fable of Nathan the prophet, the poor man's lamb is seized, to increase the numerous herds of his richer and more powerful neighbours." [2] The reforms suggested as probable results of the extension of the franchise, such as the division of wastes and commons amongst the poor, abolition of tithes, rewards for population, old age pensions, exemption of the poor from direct taxation, and the provision of public education, are indicative of the social conditions which contributed to the movement for parliamentary reform.[3]

The social and economic changes resulting from the early stages of the Industrial Revolution between 1760 and 1790 had only a slight influence on the movement for parliamentary reform during these years, but towards the end of the period that influence was increasing. The development of population in new and unrepresented towns supplied arguments to the radicals throughout the period, and later influenced the more moderate section of reformers; the unrepresented towns themselves did not take part in the agitation for reform, but a more democratic spirit was evident in these areas at the close of the "eighties." The demand for reform was stimulated by the needs of new classes and interests, but these were the results of the general development of trade and commerce in England throughout the eighteenth century rather than of the Industrial Revolution, which took place after 1760: the new industrial interests

[1] Woodward, *Address on the Poor* (1775), p. 33, note.
[2] Thomas Cooper, *Reply to Invective of Burke* (1792), pp. 61–2.
[3] *Ibid.*, p. 64.

did not seek political power until the early nineteenth century. But the distress of the working-classes, owing largely to the *laissez-faire* policy of the Government, changes in industrial methods and the enclosure of the common fields was already contributing to the demand for radical reform.

PRACTICAL NOTES ON HISTORICAL RESEARCH

By Sir Francis Piggott, M.A., LL.M., F.R.Hist.S.

Read April 11, 1922

Historical Research is very much in the air just now. Public opinion is at last awake to the fact, which is elementary to us, that only by knowledge of the way in which national problems have been solved in the past can the problems of the present and the future be successfully dealt with. Historical Research opens the gateways to the long-forgotten centuries. In regard to the more modern times embraced by the last few centuries, its special object is to ascertain with precision the details of those problems, political and international, the reasons which led to their solution, satisfactory or otherwise. I propose to glance at this aspect of it only. When one realises what those national problems are, that they have varied little since we began to understand what the sea means to us, it stands to reason that research should be treated as a national business; but, after our traditional manner, the period about which we ought to know so much, but know so little, is left to the individual. And war impressions speedily fade: witness the interest which Parliament takes in this matter, and the knowledge it displays of the work involved, as shown by the opposition to the grant of a modest salary to the Historian attached for purposes of research to the Foreign Office. The general criticism was that no such officer was required, that everybody knew where the facts of any event in history were to be found, and that when wanted any Foreign Office clerk could be turned on to the job of finding them!

It is not necessary to remind members of this Society what research work means; but lest this paper should meet the eye of some Member of Parliament unlearned in his country's history, it may be well to note that it involves endless labour of the patient sort, poring over dusty volumes of old documents in the Archives, without guide or calendar, reading dozens of despatches to elucidate some one little fact which often at the end proves to be elusive, perhaps non-existent, or worse, to have been contained in some missing document. The tracing of clues is a weary business, but how great the joy when the clue leads home only those who have experienced it know. There is yet another point which is somewhat overlooked, the proper function of Historical Research. To the exploration of new fields of history must be added the verification of the statements of the general historian. I use this term to keep in a class of honour those writers who devote themselves to the elucidation of a period, or even of some important incident. Of the "general historian" I must speak as respectfully as I can, though his series of volumes always terrify me when I want to find out something with even a moderate degree of accuracy. His view of the great policies of history, when they are untinged with his own political prejudices, are of course valuable; but his handling of details, alas! too often leaves much to be desired. He has too many to grapple with: he cannot spend days, weeks perhaps, in unravelling the details of every incident he records; he must take things on the credence of what others have written; but it is a lamentable fact that his references sadly lack verification. I wonder how many of us have been irritated by blunders of even the greater sort, even in famous histories! I fancy that it must have been reflections of this kind that led Lord Acton to plan the *Cambridge Modern History*, wherein each writer should have leisure to study thoroughly the period committed to his care, and to ransack the Archives before writing.

An assertion of this nature ought not to be made without

evidence; and I therefore give one of many instances which it has been my fate to deal with. The Commercial Treaties of Utrecht are documents of sufficient importance to warrant careful and accurate study, for they hold their place in the development of maritime law, and contain the germ of some important principles. I do not know *one* history in which the effect of the articles dealing with it has been accurately stated!

With these ideas in my mind, when the Anglo-American Conference of Professors of History met in July last year at the invitation of the University of London, I put together a few notes, the result of my own experience in Historical Research, which I thought might be useful to students at the commencement of their studies. My friend, Mr. Hubert Hall, suggested that they might be developed into a paper for this Society. Hence these, what I have ventured to call "Practical Notes." I should say, however, that my experience is limited to a very few years, for I only began my work during the war, and the scope of it was limited to the problems of belligerent and neutral. I hesitate therefore to address those whose lives have been devoted to the erudition of Historical Research. At best these Notes can only be a very modest supplement to Mr. Hall's own lectures recently delivered at King's College.

The first question which naturally suggests itself is, What are the unofficial Historical Researchers driving at? What do they want? The work is not undertaken, as we say in the East, for the benefit of their health, for indeed the drudgery of it is interminable. I think their position may be thus briefly defined: they aim at accuracy of historical statement in their own work, and the elimination of "historological inexactitudes" in the work of others. But faith in accuracy and its benefits is not all-sustaining; without printers' works it is nothing worth. Knowledge of facts which you know to be accurate hid under a bushel leads to vexation of spirit. What we want is publication, that others may know what we have, with such infinite

pains, discovered, and that mistakes may be avoided by the historians of the future.

The need for research work rests on a fundamental truth: that few things have happened in the world but are bound sooner or later to recur. History is a series of recurrent facts. Forgive me if I take my instances from my own limited experience; but for me the salient instance of this truth is the operations at sea during the Great War, and their effect on the neutrals. In almost every detail it was a repetition in new circumstances of the incidents of the wars of 1744 to 1815. And here I should like to pay my tribute of admiration to those who had this question in charge, for it has always seemed to me as little short of marvellous how they pulled the country through in the face not merely of the inherent difficulties of the task, but of the mass of ignorant and uninformed criticisms by our own people. For the practical purpose of ready reference there was nothing available. The documents relating to the War on Commerce which both belligerents waged during the French Wars were scattered about here and there: some of the Orders in Council in the "State Papers," but not all; some of the French Decrees in De Martens, but not all. They had never been collected. No careful analysis and comparative study of them has ever been published; and the few we had a little knowledge of were not very well understood. (Such a study had been made, but alas! it is still in MS.) The consequence was that, with nothing authoritative to guide them, the English critics of the Government action took a line which led them, without so much as blushing, straight to agreement with Bonaparte's condemnation of England and the cardinal principles of her sea-policy. Yet a reliable guide would have made it clear, even to him, that the real ground of his denunciation was that her policy interfered with his plans for her subjection.

Yet one more instance. It is almost inconceivable, yet it is a fact, that the most important despatch from Lord

Palmerston to Lord Clarendon, instructing him what amendments he was to insist on in the draft of the Declaration of Paris in 1856, was unknown, even officially, until Mr. G. W. T. Omond discovered it by accident among a lot of other despatches relating to the Crimea.

The case for publication then is overwhelming. But this is really a digression from the subject which I have specially in hand, which assumes that Historical Research is a necessity, and that the unofficial workers will carry on, buoyed up by the faint hope that some day the results of their labours will see the light. My Notes probably contain nothing new ; but even if only a few beginners are warned by them of the pitfalls in their path, into which I myself have fallen, they will have served some useful purpose.

The question of publication may conveniently be taken first, because it raises the important question of form : in other words, what the aim should be in the arrangement of the material collected.

I think that the first three volumes of the American *State Papers, Foreign Relations*, are a model of what a collection of historical documents ought to be, for this reason : they present the dispute of the beginning of the nineteenth century between England and the United States in its entirety. The despatches written on both sides of the Atlantic are given in their natural sequence, so that, making due allowance for transit of mails (a point which the student must never lose sight of), the complete story of the quarrel can be intelligently read. Yet, big to unwieldiness, repellent in type and appearance, always very dusty, their place in a library which possesses them is any odd shelf in any old back-room, and looked on, even then, as cumbering the book-space. But enshrined in their pages is the history of the most critical period in the relations between the two countries—the years which led up to 1812. That at least should entitle them to a better shelf. As Records they are pre-eminent, and (having first put on your strongest glasses, for the print is horribly small) you

can follow in them the different chains of thought in the crossing despatches ; the dispute, with all its ramifications, even the disputers and their varying temper, live again. Above all, the super-excellent indexes are simply a marvel of their kind : another example which the student should make it a point of honour to copy.

There are at least three well-known collections of Correspondence of this period, two of them of very great dimensions, which also possess the merits of orderly arrangement and full indexes : *The Correspondence of the American Commissioners to Europe* (12 vols.), *The Political Correspondence of Frederick the Great* (36 vols.) (for the most part written in the French of Potsdam), and *The Correspondence of Napoleon* (32 vols.). They throw floods of light on a hundred incidents which even now are imperfectly understood. But they are essentially personal to the writers, and they leave one with a craving to know more, perpetually wondering what caused some outburst of temper, or some new move in the political game.

When Bonaparte, for example, wrote to Citizen Talleyrand, in July, 1800, that flattering overtures were to be made to the Emperor Paul, and that 10,000 Russian prisoners were to be returned newly clothed and armed, we ought, before we condemn the action which so excited his indignation and prompted this generosity, to know why England and Austria refused to exchange them against French prisoners. Or, to take another example. Sir Ernest Satow, in his monograph on *Frederick the Great and the Silesian Loan,* has printed a series of English despatches unearthed in the Record Office ; but the story of the interlocked negotiations between England, Prussia and France can only be understood, and the meaning of these despatches made clear, when we interleave them, so to speak, with the despatches of Frederick himself which are published in his "Correspondence." Then alone can an accurate estimate be formed of the shifty policy of that extraordinary man, which so often baffled less astute statesmen.

But I admit that the difficulties in the way of achieving chronological sequence are enormous; and this brings me to our own Archives, the field in which English historical researchers must labour.

In 1865 the Master of the Rolls wrote:

"Although the Records constitute the most complete and perfect series of their kind in the civilised world, and although they are of greatest value in an historical and constitutional point of view, yet they are comparatively useless to the public from the want of Calendars and Indexes."

The *Calendars of State Papers* were then started, which now number about 300 volumes. But though the progress made by the digesters is very sure, it is inevitably slow, and many years must elapse before they even come within sight of that great period of maritime wars, when the foundations of the England we know were laid. The Archives of this period are still open to the criticism that "from want of Calendars and Indexes" they are "comparatively useless to the public."

It was, I suppose, inevitable, in the preliminary sorting of the mass of documents taken over from the Departments, that the despatches should be divided into the three categories, Out Letters, In Letters, and "Foreign Ministers in England," but many of us have had experience of the labour involved in ploughing through three sets of bound despatches, several volumes to each set, trying to piece together the facts of some incident. For there are always four parties to any diplomatic conversation of any importance—the two Foreign Secretaries and the two diplomatic representatives—and essential facts are to be gleaned, sometimes from instructions given by the Secretary to the Minister as to his attitude towards the Government to which he is accredited, sometimes from reports by the Minister to the Secretary as to how he has carried out his instructions, and the effect produced on the Foreign Government. An interview between a Foreign Minister in London and the English Foreign Secretary will probably

be reported both by the Minister to his Government and by the Foreign Secretary to the English Minister abroad for his guidance ; and it sometimes happens that the two reports do not tally. Instances of this must be known to many of us, as well as the serious trouble caused by the discrepancy.

Let us however get to work. Imagine yourself in one of the Search Rooms of the Public Record Office trying to unravel some knotty problem : the slips filled up far in excess of the number which the rules allow ; the pile of State Papers already accumulating on the table, and you wonder whether the willing officials, their patience sorely tried, can be persuaded to allow you more, on the plea that you cannot get on without them. All this is bad enough when you are working on two countries ; but think what it means when a third country, or a fourth, or even a fifth, is involved in the dispute ! And if you should be meticulously inclined, determined to get to the bottom of the trouble, there are the bundles of odd scraps of paper, the half-sheets so dear to Secretaries of State, labelled " Miscellaneous," which are the despair of all who seek that elusive spirit—Fact. I must here note one great defect of our Archives : the scarcity of departmental and inter-departmental memoranda, from which alone we can be sure of the reasons which have actuated any given policy. I think I am right in saying that these were not sent to the Record Office. To give you an example. In trying to unravel the mystery of the Declaration of Paris I found, but quite accidentally, the drafts of two telegrams from the Foreign Office to Lord Clarendon in Paris. They seem to have been slipped in with other papers by oversight ; but they were of great importance, for they revealed the confusing uncertainty of the Government policy, which fluctuated, literally, hour by hour.

At a time in the remote past, when the Departments were very lax in their custody of papers, it seems to have been the recognised custom for Secretaries of State and

Ministers to keep their memoranda and take them away when they retired, as well as documents of far greater importance. Hence what are known as Private Collections of Papers. However grateful we may be for the information contained in the important documents which are included in them, it cannot be denied that it was a very reprehensible habit, and the lamentable incompleteness of our Archives is in large measure due to this cause. Many of these collections have found their way into the British Museum. But they are in themselves pitfalls; for they are in some measure rescue work, odds and ends of the great man's papers bundled together, and only capable of being used for reference by reason of the arrangement and careful indexes that have been made of them by the Museum authorities. I ought to say that my intimate experience of them is limited to the *Carteret Papers*, and I may be wrong in my general conclusion; but these are no more than an *omnium gatherum* of promiscuous documents. I was, perhaps, lucky to find one relating to the incident with which I was dealing.

And here is another pitfall. Many of the documents, even in the Record Office, are "drafts," though it is probably more true of those in the British Museum; and the greatest care is necessary in dealing with them, for a "draft" means nothing: it may have gone no further. Also there are often copies of the same document in both repositories—one draft, the other original. Of course the Keepers of the Papers think that the treasures of the Museum ought to be transferred to Chancery Lane; the Trustees probably think otherwise; but there is great need of a gradual collation of the two sets of Archives, in the course of which these drafts would be weeded out as useless when the original exists, and duplicates noted.

We must assume that the transfer from the Museum to the Record Office is out of the question; but the inconvenience is manifest. The Archives proper contain so many and such large gaps that the answer to a despatch in the

Record Office may conceivably be in Bloomsbury. I need not say how much all this adds to the labour of research.

Yet another pitfall in connexion with these private Collections: they lead to printed "Correspondence" of statesmen, usually published by some admiring descendant, compiled from diaries, notes, drafts, or copies. That many of them are valuable no one can deny; but there is something wrong about them which I will endeavour to explain: at first sight it looks like mischievous editing. I single out for special warning, based on a very careful study of one of the four volumes, the *Malmesbury Diaries and Correspondence*. I suppose few political books can have had such a vogue in "polite circles." Diplomacy was brought down to the level of the drawing-room table. The escapades and vivacious dialogues between the Empress Catherine and Sir James Harris were as good as any romance: cultivated men seem to have considered a knowledge of them to be part of their education; English and foreign writers on the periods in which Lord Malmesbury took a leading part treat them as authoritative. Alas! for historical purposes they are painfully untrustworthy.[1] The facts of the romance are too prominent; the facts of history take a lower place.

This work is a noteworthy illustration of the habit to which I have referred, of Ministers taking their papers away with them on retiring; and it raises a very important question for historians who may be driven to consult this or other books of a like nature. Of the extracts from the diaries little need be said; they are just what they profess to be—records of the impressions of the moment—and may or may not be of historical value. The historian probably has the means of checking them from other sources of knowledge. But the despatches! There are some hundreds

[1] My criticism is limited to the volume containing the Russian despatches. The accuracy of the other volume has probably been tested, as they are, I believe, among the books which students in diplomacy are required to "get up."

of them, and we have it from the editor that they came from his grandfather's papers. There are two conditions on which alone such a collection can be accepted as reliable: first, that the despatches printed are accurate; secondly, that it is complete.

Now, in the first place, the original coded and decoded despatches are in the Record Office, and we know from the preface that they were not copied from them, and apparently were not even verified. This at once raises a presumption against their accuracy; for those written by Sir James Harris may have passed through another stage before they were finally approved. On comparing those printed with the originals one notices at once signs of polishing; corrections of words and phrases, not always important, but still enough to make one uneasy. Then there are omitted paragraphs, indicated by asterisks, which the editor did not think of sufficient interest to print; but for the historian they may have contained important information. So much for accuracy. As to completeness, more especially in regard to Foreign Office despatches, they could only have been found among the Ambassador's papers either if he had impounded them, or if a clerk had copied them. Very long ones may have been left uncopied; and this probably accounts for some important omissions. I should not have dwelt on this matter at length had it not been for the fact that the most important despatch of the whole of the Russian series is not included: Lord Stormont's very detailed instructions to Sir James Harris as to the line he was to take in regard to Catherine's Declaration of Armed Neutrality, and the answer he was to give her. For some reason which I cannot fathom, a formal answer was sent out at the same time as a "dummy"; but nothing that I can find authorised the Ambassador in not giving Catherine the detailed answer, which dealt *seriatim* with the points in her Declaration, and declined to recognise her demands. Whether it ever got beyond Count Panim we have no means of judging. The fact with which I am

concerned is that the omission of this despatch has led every foreign writer to assume that the "dummy" was the real answer, and it is printed as such in the English books. The instructions, which maintained the traditional attitude of England in regard to the questions of maritime law in controversy, were unknown until I came across the despatch a short time ago.

To revert to my subject.

Having referred to the American State Papers I turn to the well-known Series published by our own Foreign Office. The Series was started in 1813; they therefore only deal systematically with the closing years of the French Wars. The light they throw on the years before 1813 is incidental only, and then only where early documents have been "enclosures" or "annexures" to later despatches, which are printed in the order in which they occur in the original. Thus the Orders in Council and the Berlin and Milan Decrees of 1806–7 appear in Volume VIII, among the documents annexed to some voluminous correspondence between the United States and France, laid before Congress in 1824, which is printed because the scheme of the collection, as indicated by its title, is "British and Foreign State Papers." There are also, here and there, some valuable footnotes inserted for purposes of elucidation of a reference in some later document. Thus the important Notice of the Blockade of the coast from the Elbe to Brest of May, 1806, is printed as a footnote to a document of 1813 in Vol. I.

How can I avoid this parenthesis? Is it not lamentable that there is no book in which a complete collection of the documents relating to the War with France is to be found? We had, during the Behring Sea Arbitration in 1892–3, to refer to the Orders in Council, and the only way of getting a copy was by tearing the pages out of an odd volume of the State Papers.

Critical comparison between the English State Papers and the American volumes that I have referred to would be out

of place, for annual collections of documents are in a different category from careful compilations made after the event. The former are works for speedy reference to current events ; the latter are deliberate contributions to history. The annual collections from their nature are limited to documents which have appeared during the year preceding publication ; the despatches, which contain the story of the events leading up to the documents, are not always available for publication, and may or may not be published as a Blue Book after the incident has closed.

Other well-known collections must be briefly noted : Rymer's *Fœdera* ; Dumont's *Corps Universel Diplomatique du Droit des Gens* ; De Martens' *Recueil des Traités*, started in Göttingen in 1790 ; Hertslet's *Commercial Treaties*, and his Maps by Treaty ; then there is Jenkinson's Collection, and Le Clercq's, and Tétot's *Reference Catalogue of Treaties* ; also a very useful Collection by Chalmers, whose name deserves to be written in our *Libro d'Oro* ; for he " enjoyed a pleasure in collecting treaties," and made it his hobby. " It is always happy," he says in his preface, " when private amusement can be made to subserve to general convenience." What an original and delightful man he must have been !

There were other collectors more or less forgotten ; but my object is not to make a catalogue, only to warn the wayfarer of pitfalls in his path.

My first caution then is to be careful when you refer to De Martens, for there were two editions of the *Recueil* proper, that is, the first seven volumes published in 1791 ; in the second edition, of eight volumes, published in 1808, many of the documents which had appeared in the four volumes of the *Supplément* were included. This makes things exceedingly complicated, as you never know to which edition an author is referring. And to make matters worse, many librarians have mixed their " sets," making them up with volumes of both editions. I have now made it a rule to give double references, which is not very difficult, as the comparative work has been done in the *Table Générale*.

In regard to Dumont, too, the references are often confusing, because the parts of which the eight volumes are composed are, in some libraries, bound as separate volumes and numbered accordingly, 1 to 15. The references should always be to the volume and part, and not, as in some books, to the bound parts.

Another collection started in the good old days when men seem to have been interested in these matters requires special notice: the *Annual Register*, commenced in 1758, and is still in vigorous and useful life. It seems to have been a curious compilation in its youth. To judge from the variety of topics with which it dealt it must have shared with the *Gentleman's Magazine* in relieving the tedium of our forefathers' existence. To the chronicles of the year, written by Burke the editor, there were added snatches of song, miscellaneous essays, reviews of books, a quaint group under the head "Characters," and, as a happy thought, there was added a collection of "State Papers," introduced by this paragraph in the preface:

"We have made an article of State Papers: they serve to illustrate and confirm the facts advanced in the historical part; and our readers will not be displeased to see so many curious and important pieces together."

The collection includes despatches, treaties and other official documents; but they are put together without much method, and the volumes are difficult to use for reference purposes. Nevertheless, history has so many dark passages from 1756 to the years of the French Revolution that we must be grateful for what the *Annual Register* gives us; and it is quite a repository of the forceful messages which our vigorous representative, Sir Joseph Yorke, had so frequently to deliver to Their High Mightinesses the States General in the years round about 1780. It must, however, be regretfully noted that the translations of documents written in a foreign language are often execrable. It is not so much that "French of Paris" was unknown to

our people; they seem to have lost all control over their mother-tongue.

Now here is a pitfall. There was another and rival collection called the *New Annual Register*, which started in 1780 and ran to 1825. The ground covered annually is the same in both, and the documents printed are practically the same, though the rival has some which the original has not, and *vice versa*. When from bitter experience you have realised that the two publications exist, and have hunted through the volumes of the one to verify a quotation in a document cited from the other, it will be a sufficient guide for the avoidance of confusion in the future—for the word "New" is quite small, and not very noticeable until you look for it—if you remember that the volumes of the rival series are thicker and on larger paper, and the type differently set.

The *Annual Register* proper was published by Dodsley from 1758 to 1790, when, on his death, the copyright was sold to Rivington and the stock to Otridge. Some of the volumes ran into as many as nine editions, and sets are invariably made up of volumes from many different editions; but this need not worry you, so long as you don't get hold of one of the rival volumes, as the different editions were no more than reprintings. Rivington and Otridge both represented large groups of booksellers, and each published "Continuations." The *New Annual Register* was published by Robinson from 1780, and from 1804 by Stockdale; later the publisher was changed two or three times.

In 1794 another annual collection appeared, edited by Debrett, *State Papers Relative to the War against France*, which ran to 1803—in all eleven volumes. It is more voluminous than either of the *Annual Registers*, but is characterised by the same defects: lack of methodical arrangement and bad translations; and its title leads you to expect a more complete collection than it is. It was not continued after the renewal of the war. Apparently the

editor found the study of the lineage of the nobility and gentry more congenial work, and, as we may opine, more lucrative than that of State Papers.

You will thus see that our English printed collections do contribute a good deal to the common stock of knowledge, but they are sadly in need of digesting. I should add that some interesting Collections of Treaties were published during the War.

But now let me test the collective value of these compilations by putting a practical question: If you wanted to study the texts of the Treaties of Utrecht, where can you find them? So far as I know the answer is, only in the ponderous tomes of Dumont, and a very scarce *Actes et Mémoires* in four 12mo volumes. Its important predecessor, the Treaty of St. Germain-en-Laye, can I think only be found in Dumont. Is it not rather dispiriting? And when you bear in mind what I have already said about the documents relating to the French Wars you will see how much work there is still to do.

Now in connexion with these old Treaties I must hoist a danger-signal. People of different nationalities in those far-off days wrote and talked to one another in dog-Latin, and treaties are supposed to have been negotiated in that expressive language. I believe that they were often signed in duplicate originals. The English official copy of the Treaty of Utrecht, for example, is written in Latin and French in double columns. On this a curious question arises with which we are familiar in the Chinese treaties of modern times: in case of variance between the two texts, which language is to prevail? This is sometimes answered by a clause in the treaty itself; I think, however, this was not usual in old times. But leaving this technical question on one side, the historian has to decide which text he will consult. Now I am going to venture on a heresy. The impression left on my mind after some study is that this treaty (and, it may be, others) was originally written in French and afterwards translated into Latin;

therefore I believe that historians may safely rely on the French text.

But what of the English translations? Be very wary of them, even if they are marked "official text," from copies of which, by the way, Chalmers printed. It is not merely that there are lapses into an almost unknown dialect, but there are occasionally grave mistranslations. I give one example of which I have written elsewhere. In the French text of Art. XVII of the Commercial Treaty of Utrecht between England and France it is written: *Et comme il a déjà été stipulé*, and this is rendered into English, "And as it is *now* stipulated"! A modern schoolboy would hardly make such a blunder. The article referred to an arrangement come to by the two countries in the Treaty of St. Germain-en-Laye as to a limited mutual application of "free ships free goods." The mistake has had far-reaching consequences, for it served as the basis of many ignorant statements made, not in history books alone, but in Parliament at the time of the Declaration of Paris by Lord Clarendon, Sir William Molesworth, and others.

I have already taken up too much of your time; but there is one other important subject that I want to refer to, and as it will conclude with a motion, perhaps you will bear with me a little longer. It is the weakness of our libraries in foreign books which contain authentic records. Here again I give a fact to support my statement. Baron Charles De Martens' valuable *Causes Célèbres du Droit des Gens* in three volumes was published in 1825, and this edition is always referred to. But there was a second edition, in five volumes, containing a number of other *causes célèbres* published also in Leipsig in 1857, which seems to be unknown in this country. Until I brought one lately from Germany (where uncut copies are still to be had), I believe the only copy available was in the British Museum. This is a good example of what ought not to be. I cannot help thinking that our diplomatic representatives might be instructed to forward books published abroad on

important public questions to the Foreign Office Library as soon as they appear.

And this leads me to make another suggestion. The great impediment which the student will find in his work is that he does not know where to look, apart from the British Museum, for often-quoted but scarce books: for such a monumental work, for example, as Doniol's *History of the Assistance given by France to the Formation of the United States*, which is brimful of documentary information of the first order, derived from the French Archives. In the course of my own work I have been perpetually hampered by being unable to find some important book of reference, and a great deal of time has been wasted in the hunt. I believe it would not be impossible for a Bibliographical Directory to be compiled which should give, not merely the names of books, such as are given in historical works now published, but the libraries, in England or abroad, where they are to be found. Then the student who wants to refer to Dumont, Doniol, Schoell, the Diplomatic Correspondence of the American Commissioners, *Actes et Mémoires* of various periods, Rousset, Wenck, Léonard, Le Clercq, Jenkinson, Chalmers, Hamilton's Works, the American State Papers, and a host of other books of reference, without the aid of which no thorough work can be done, would be able to see at a glance where he could find it. If such a work were started by this Society I feel sure that librarians in all countries would willingly assist.

THE ORIGIN AND GROWTH OF THE OFFICE OF DEPUTY-LIEUTENANT

By Gladys Scott Thomson, F.R.Hist.S.

Read May 12, 1922.

An enquiry into the office of Deputy-Lieutenant, as created by the Tudors, might be said to belong, strictly speaking, to military history. But it belongs also to the history of local administration, for not only was the organisation of county levies an integral part of local government, but that type of military rule which prevailed under the Tudors touched the common life of the country at many points, and those matters with which the Lieutenant and his Deputies could be called upon to deal in the service of the Crown demanded at least as much administrative skill as aptitude in the military arts.

The problem, of which the expedient of the Lieutenancy was a solution, was really a twofold one. The military system of England had rested upon the feudal levy and the national levy. But with the collapse of the old feudal system, shaken long beforehand, the national levy on forces of the shires comprised in itself the army of England, an army founded on the theory that military service implied defence of the country and the maintenance of civil order, and, as such, was merely a part of the normal obligations of every man of fit age and health, the unit of organisation being the county.

This national levy, however, was strictly limited as an effective force, since it could not be called upon to serve outside the county, except in case of invasion, and the

Tudors, like their predecessors, were constantly in need of men for service abroad, in Scotland and in Ireland.

But behind the question of wars and rumours of wars without, lay the other question of how to control the counties in times of dissatisfaction and disaffection within the kingdom. That was for the new dynasty, inevitably, a matter for constant and anxious consideration. Service in the levies, however much a matter of duty, was not a duty undertaken joyfully, and from the greatest to the least in the county such service was only too often half performed or not at all if evasion were possible. At the same time, however, the force, however unpopular as a rule service in it was, might at any moment become a danger to the Crown. In the words of an eighteenth-century writer, contrasting a standing army with a militia,

"It appears doubtful whether any government can be long secure, where the people are acquainted with the use of arms, and accustomed to resort to them. Every faction will find itself at the head of an army, every disgust will excite commotion, every commotion become a civil war. Nothing, perhaps, can govern a nation of armed citizens but that which governs an army—despotism." [1]

The Crown had, indeed, perceived the weaknesses, the dangers, as well as the vast possibilities of this national levy. No one was better aware than the Tudors of the danger to them personally of commotions excited by any "disgust" whatsoever. They might have met the problem by the creation of a standing army, which could have been used to enforce the supremacy of the Crown at home, as well as for warfare outside.[2] Certainly in the eyes of Europe that would have been the normal procedure, but for whatever reason they decided against it, they did so decide [3] and rested the authority of the Crown on the

[1] Paley, *Political Philosophy*, Bk. VI, c. xii.

[2] *Cp.* Fortescue, *History of the British Army*, vol. i., Bk. 2, c. iii.; Anson, *Laws and Customs of the Constitution*, vol. ii., Part 2. The Crown, c. viii.

[3] Fortescue, *op. cit.*

national levy, bringing it under their own control and using it to control the country and strengthening that control in their own interests by the creation by Letters Patent of Lieutenants and Deputy-Lieutenants.

A Commission of Lieutenancy gave some trusted landowner, usually, although not invariably, a nobleman, temporary control of a district, which might be one county only, but which more often consisted of two, three, or even more counties. It was an appointment for a time of emergency, of rebellion within, such as "upon occasions of notorious troubles made in the north part of this realm . . . unnatural subjects entering into a manifest rebellion," [1] or of danger from without, as when Elizabeth wrote of "the great preparations made by the King of Spain in respect of some unkindness that hath passed between us." [2]

But the scheme inevitably depended for success upon the support given to the Lieutenant by the gentry of his district. The authority committed to him was supreme as regards the raising and control of the levies and the keeping of order in his district, as well as for the raising of extra men for service outside the county. It included also the collecting of loans and subsidies and the enforcement of ecclesiastical law, as well as dealing with such economic problems as the control of the supplies of grain or the regulations concerning the eating of flesh in Lent. But he had no paid officials to help him carry out his duties. He had to rely—he was constantly told that he was expected to rely—upon the gentry of the counties under his control. As Sheriffs and Justices of the Peace, the work of local administration was not new to them. The Sheriff had exercised control of the levies and had been assisted by the landowners of the county, whose duty it was to come themselves to the musters or send their servants. They had been held responsible for the order of the county, and at the accession of Edward VI the duty of "keeping a good eye

[1] S.P.D. Elizabeth, vol. lxxiv., No. 34.
[2] Vol. cvii., No. 2. *Ibid.*, Instructions to the Earl of Bedford.

upon their neighbours and all seditious persons" had been strictly enjoined upon them.[1] The general injunctions set forth in the Commissions of Lieutenancy of assistance and help to be given to the Lieutenant by all "Justices of Peace, Sheriffs, Bayliffs, Constables and all other officers, ministers and subjects" [2] did not, in fact, perhaps actually represent anything more than they had been expected to do at times when there was no Lieutenant in the district. But since in any one place there were many who could be trusted to be loyal to the dynasty and many who could not be so trusted, even as there were some more suitable for the work to be done than others, it was natural and inevitable that certain landowners should be selected as most likely to be of special service to the Lieutenant.

It is, however, extremely difficult to say precisely when these were first actually appointed Deputy-Lieutenants. There appears to be no mention of them in the various papers of instructions and letters connected with the Lieutenancy under Edward VI. But a letter sent by Lady Jane Grey to the Marquis of Northampton is endorsed:

"The Marquis of Northampton, our Lieutenant of our County of Surrey and our trusty and well-beloved the Deputies of that Lieutenancy and the Sheriff and Chief Justices of the Peace and the Worshipful of that shire." [3]

The next possible reference to these deputies occurs at the end of the following reign, March 31st, 1558, when the Master of the Horse having asked whether he must muster in person all the inhabitants of his Lieutenancy, was told by the Privy Council that he might appoint substitutes.[4] Probably no more is implied by this, nor by the reference to Lady Jane Grey's letter, than that the Lieutenant had inevitably to pick out certain men in different counties to act for him,

[1] Acts of the Privy Council. Feb. 2, 1546–47.

[2] Patent Rolls, 3 & 4 Ph. and Mary, No. 917. Part 12. Patent Rolls, Elizabeth, Divers Years, No. 1606.

[3] Loseley MSS. (ed. Kempe), No. 45.

[4] Acts of the Privy Council, March 31, 1558.

especially when it is remembered that the Lieutenancy sometimes extended over as many as six counties. The whole scheme was, in fact, not yet formulated. Even the form of appointing the Lieutenant himself was not fixed, for two existing examples of Commissions of Lieutenancy issued by Mary, one for 1554,[1] and the other for 1558,[2] are different in form one from another. The Crown, and this is evident from the correspondence of the Privy Council with the Lieutenants, was still experimenting with the system. It may almost be said they continued to experiment with it throughout the reign of Elizabeth; but much more extended use was made of the scheme. Perhaps as early as 1559 (in which year the Earl of Bedford may have had Deputies),[3] certainly before 1569 (when a complete list of Deputies is found among the State Papers),[4] the Deputy-Lieutenant emerged as a recognised official. He was appointed by means of a special Clause of Deputation inserted in the Commission of Lieutenancy, which gave the Lieutenant power to confer Letters of Deputation on certain of the gentry nominated by the Crown within his district.[5] Sometimes the Crown nominated without consulting the Lieutenant, but in the majority of cases it appears that the names were suggested by the latter from among the Justices of the Peace.[6] If, however, the Deputy was now a recognised official, he was not a permanent one. Throughout the whole of this period the Lieutenants themselves were considered as merely temporary officers, appointed for times of special peril and commotion, and, for the first thirty years at least of Elizabeth, the appointments were invariably terminated directly such times

[1] At Knowsley.

[2] Patent Rolls, 3 & 4 Ph. and Mary, No. 917.

[3] S.P.D. Elizabeth, vol. clxix., No. 58. A Note of certain Commissions of Lieutenancy sent to Walsingham from the Earl of Bedford in two boxes.

[4] S.P.D. Elizabeth, vol. lix., Nos. 57–62.

[5] Prothero, *Select Statutes and Documents*, p. 154.

[6] S.P.D. Elizabeth, vol. clxix., No. 58.

of anxiety were over.[1] Moreover, there was not, so far as can be ascertained, any year during which there were Lieutenants for all the counties. At some time or other, every district in England—even the Palatinates—had a Lieutenant, but the appointments were very irregular and continued to vary from year to year according to political exigencies. Commissions for Deputy-Lieutenants being part of the Commissions of Lieutenancy, naturally underwent the same variations as the latter and terminated when they did. Again, the Clause of Deputation was not inserted in every Commission and there were always some Lieutenants who had, and some who had not, Deputies. As however no original or copy of any of the Commissions issued by Elizabeth prior to 1585 has as yet been found, it is difficult to fix precisely the year in which the clause was first inserted.[2]

There was, however, one important difference between the Lieutenant as he originally was and his Deputies. During the sixteenth century the Lieutenant was a district rather than a county official, and even when the same man was appointed and re-appointed as Lieutenant, the counties under his control were not necessarily—although they were more frequently—precisely the same as those which he had charge of before. The Deputy-Lieutenant, on the other hand, was from the very first, and remained, the official of his county. He was nominated for the county in which he was a landowner and Justice of the Peace, and for that alone. At first, each Lieutenant who had Deputies had two for each county,[3] but this number was later increased to three, four or five.[4] Special juris-

[1] S.P.D. Philip and Mary, vol. xiv., Oct. 29. *Ibid.*, Elizabeth, vol. vii., No. 9, and vol. lxxiv., No. 34.

[2] Several copies of Commissions issued in 1585 and during subsequent years, exist; cp. Patent Rolls, Elizabeth, Divers Years, No. 1606. Hist. MSS. Com., Foljambe MSS., fol. 66. Lambeth MSS. 247 (Muster Book).

[3] S.P.D. Elizabeth, vol. clxix., No. 58.

[4] Crown Office Docquet Book (P.R.O.), 1595–1602.

dictions, such as the Isle of Ely, the Isle of Anglesea, the Soke of Peterborough and others, were not recognised as being entitled to the honour of a Lieutenant or Deputy of their own. The original Commission of Lieutenants definitely gave them authority over all such privileged places, and the only instance of any one of them ever having its own Lieutenant—as far as can be ascertained—was the Isle of Ely under Edward VI.[1] It was then treated as part of Cambridgeshire until 1598, when it acquired a Deputy.[2]

The question of the towns is a much more difficult one and really depends upon the whole relation of the town to the county gentry. In the case of some of the more important towns—particularly those with the older Charters—the Mayor and perhaps occasionally some of the leading members of the Corporation were nominated Deputy-Lieutenants.[3] The Mayor also sometimes seems to have been asked out of courtesy to assist in the musters,[4] but in many cases the town fell under the jurisdiction of the Lieutenant and Deputy-Lieutenants for the county and it was always made very clear that they were to obey that jurisdiction.[5] The Queen did not hesitate, in cases where the towns were inclined to assert their independence, to threaten them with the loss of their Charter if they did not immediately acknowledge the authority of the Lieutenancy. A letter from the Privy Council to the Mayor and Corporation of Launceston, who had declared that their Charter freed them from obedience to the Deputy-Lieutenants of Cornwall, informed them :—

[1] Acts of the Privy Council, Ap. 14, 1551 ; May 26, 1552 ; May 24, 1553.

[2] *Ibid.*, July 29, 1598.

[3] S.P.D. Elizabeth, vol. clxxix., No. 52. Hist. MSS. Com., Foljambe MSS., f. 125b.

[4] S.P.D. Elizabeth, vol. xii., No. 27.

[5] *Cp.* Acts of the Privy Council, March 31, 1553 (Rochester) ; *Ibid.*, August 3, 1570 (Winchester and Rye) ; *Ibid.*, April 1, 1580 (Tower Hamlets).

"You shall understand that it is your part to join with the rest of the county in this public service. . . . You shall do well to be advised touching the curious standing upon your Charter, lest you cause the same to be called in question and contending for some part do lose all." [1]

London was, apparently, always exempt from the jurisdiction of the Lieutenant of Middlesex, when one was appointed for that county, but even so never had a Lieutenant of its own, its military organisation resting in the hands of a body of Commissioners.[2]

Now the special work of the Deputies when appointed was to aid the Lieutenant by doing the practical part of the work of bringing the county into military order, and collecting the subsidies and loans. Added to this, they frequently had to carry out the instructions transmitted to the Lieutenant from the Privy Council about recusants and suspected recusants and very frequently to deal with economic regulations also.[3] In many cases the Sheriff was especially associated with the Deputy-Lieutenants in their work. The latter was never a Deputy-Lieutenant as long as he held the office of Sheriff, and any Deputy-Lieutenant who was nominated Sheriff had to resign his Commission.

[1] Acts of the Privy Council, Oct. 30, 1597.

[2] Hist. MSS. Com., Hatfield MSS., vol. i., No. 1409. S.P.D. Elizabeth, vol. ccxlv. No. 39. It is not without interest in this connection that, in 1893, the Report of the Royal Commission for the Amalgamation of the City and County of London, stated that a proposal was brought forward on behalf of the City to this effect, "that the Lord Mayor shall during his term of office be the Lord Lieutenant . . . of the County of London." The spokesman of the Committee said, "We attach a great deal of importance to this proposal because we are very anxious to make the position of Lord Mayor of London really the chief position in the county." The Chairman of the Committee asked, "You have at present a Lord Lieutenant of the County of London?" "Yes, the Duke of Westminster." "And he would be displaced by this proposal?" "Yes." The final recommendation of the Commission was that the Lieutenant of the County should not be displaced, but that the Commissioners of Lieutenancy for the City should act as Deputy-Lieutenants for the County of London. (*Report of the Royal Commission on the Amalgamation of the City and County of London*, 1893, *Par.* 46.)

[3] Duke of Bedford's MSS., fol. 31. Signed letter from Lord Hunsdon to his Deputies and others on supplies for the Navy.

It is, however, extremely difficult to differentiate between the same man acting as Deputy-Lieutenant and as Justice of the Peace, and while in some counties and on some occasions instructions as to dealing with the above matters were sent to the Deputy-Lieutenants and to them alone, in others they would be sent to the Deputy-Lieutenants and the Justices of the Peace and in others again to the Justices of the Peace as a whole. The Crown, indeed, troubled itself little as to names and titles and the people who did the work were not always given the official position. When, in 1598, one of the Deputy-Lieutenants of Dorset, Sir John Horsey, died and the Lieutenant asked for another to be appointed in his place, he received the following reply:—

"That whereas he desireth in place of Sir John Horsey that some others might be appointed to assist him in these services and has sent into their lordships the names of sundry gentlemen of quality in the county of Dorset among whom he requireth that choice may be made . . . their lordships think good to appoint Sir Richard Rogers, knight, George Trenchard, Henry Ashley and John Strangwayes, Esquires, whom his lordship may from time to time employ in the services belonging to his lordship's charge of Lieutenancy, without title, nevertheless, of Deputy-Lieutenant, but as gentlemen of special trust nominated and appointed for the services by their lordships." [1]

The work which was required to be done was strenuous enough. The Deputy-Lieutenants themselves had no doubt as to whose was the harder part, writing on one occasion:—

"If aught were well done the Lieutenant has the praise and thanks though all the charge and travail is borne by us, but if any business has ill success, the blame is laid upon us." [2]

Their primary task was "to make a general view and muster of all able men within the shire from the age of 16 years and upwards, wherein they are to have special

[1] Acts of the Privy Council, Aug. 13, 1598.
[2] Hatfield MSS., vol. viii., p. 486.

care to make their books so perfect as upon any sudden occasion they may from time to time make a present levy of such able and serviceable men as from the Lord Lieutenant shall be commanded and appointed." They were given a general oversight of all the "armour, war-like weapons and furniture within the shire," as well as "all the store and powder, metals and bullet," and in the maritime counties, in addition, there was the keeping in repair of the beacons. Theirs also was the duty of seeing the different inhabitants of the shire were justly taxed for the cost of the soldiers and their arms, and that the Justices of the Peace and others "of good living and ability" each provided a petronel on horseback to attend upon the Lieutenant upon any occasion of service.[1]

But service in the levies, as has already been said, was unpopular and the task of forcing their neighbours to comply with the regulations must often have been an ungrateful one. The correspondence passing between Lieutenant, Deputy-Lieutenants and Privy Council consisted very largely of a series of remarks from the Privy Council that they find it very strange that men will not come to the musters and that the counties do not more willingly supply armour and horses, and the despairing replies from the Deputy-Lieutenants that they cannot raise the number of men and horses or the amount of armour required.[2] In maritime counties in the South-west, the difficulties were especially great and it was constantly reported to the Council that the young men of Dorset, Devon and Cornwall greatly preferred the more exciting and far more profitable life on the sea to coming to the musters. Moreover, even during the period of the Armada, from 1585 to 1590, it was not altogether an easy task to get men, but after then it is seen to become rapidly more difficult. For the last fifteen years of the reign of Elizabeth, both the Lieutenants and

[1] Talbot Papers, vol. N., fol. 161. *Cp.* Lancashire Lieutenancy Papers, vol. i. Introduction, and Prothero, *Select Statutes and Documents*, p. 154.

[2] Hist. MSS. Com., Foljambe MSS., fol. 97, 113, etc. *Ibid.*, Hatfield MSS., vol. viii., No. 60, 103. S.P.D. Elizabeth, vol. cclxxii., No. 25.

the Deputy-Lieutenants were constantly given special instructions to raise force by pressing men, by authority of a letter under the signet, for service in Ireland, the Low Countries, and France.[1] That service was extremely unpopular with all, except the n'er-do-wells who, the Crown complained to the Deputy-Lieutenants, were always sent and who were not wanted. This, however, applied all round, for part of a Deputy-Lieutenant's work lay in persuading the county from the Bishop downwards that it was their duty to send good horses and their good serving men to the musters, but it was never the satisfactory specimens of either that were sent. Even when the Deputy-Lieutenants had got the men together, they were not always sure of keeping them. When they were appointed to go to Ireland, France, or the Low Countries, the troops had to be conveyed to the fixed ports by some gentleman of the county. But too often for his own peace of mind, when the Captain, having brought his men to Bristol or Barnstaple overnight, went to look for them in the morning, a very goodly proportion of them had disappeared. It was indeed perhaps small wonder that the Deputies had difficulty in getting their men. Not only during the last fifteen years of Elizabeth's reign were the counties literally drained of able-bodied men, but also, in a very large majority of cases, their eventual return must have seemed to them extremely problematical. In 1591, 3,000 men were taken from the county levies to go with Essex to the aid of Henry IV. They saw comparatively little fighting, yet the number that returned was under 800.[2]

Almost as difficult was the work of collecting the loans demanded from the counties to meet extraordinary expenditure, chiefly military. When there was a Lieutenant he received instructions from the Privy Council when a loan had been decided upon, as to the amount expected from

[1] Acts of the Privy Council, 1591 onwards.

[2] Acts of the Privy Council, 1591, various entries. Robert Cary, Memoirs, Unton Correspondence. (Roxburgh Club.)

each county under his charge. These instructions were transferred by him to the Deputy-Lieutenants, or to Deputies and the Justices. After receiving them, the Deputy-Lieutenants were to name the amount due from each individual and to "collect it by way of friendly admonition," but they were told—

"in case you shall find any of the parties . . . unwilling and consequently refusing to yield up the said sums required, notwithstanding all the gentle persuasion which you shall move to use them thereunto, it is required that you take good bonds of these to be before me at some certain date . . . and they shall know at length the danger which they shall happen to incur in that behalf." [1]

There must inevitably have been friction here, and a letter to the Deputy-Lieutenants of Cambridgeshire has a not unfamiliar ring. In this instance a subsidy was being collected by the Deputies. The writer was rated at £13 10s. towards the contribution of ninety pounds to be levied in the county of Cambridge in the Isle of Ely. His portion, he said, could not come to so much "except this rate be made upon conceits and riches which are not in substance, but in men's talk." He begged, therefore, that the rate might be made according to "the poor land he has." [2]

It is in connexion with subsidies that one of the very few cases of Deputies failing in their duties is mentioned. In 1597, extensive frauds were committed by the two Deputy-Lieutenants of Monmouthshire, Kadwalador Price and John Lewis Owen, who were found, firstly, taking arms and munitions to the value of a thousand pounds, converting the same to their own use; secondly, levying a thousand pounds extra upon the inhabitants of the county, pretending it was for Her Majesty's service; and thirdly, detaining seven hundred pounds in their own hands.[3] But the case is an isolated one, and not only were the Deputies

[1] Talbot Papers, vol. B, fol. 225.
[2] Hist. MSS. Com., Hatfield MSS., vol. viii., No. 240, 76.
[3] Acts of the Privy Council, 1597–8, various entries.

honest to the State, but, on the whole, they and the Lieutenants seem to have nearly always shown much fairness and good judgment in apportioning the amounts to be paid towards the subsidies.

Cecil, of course, had his own reasons for encouraging the gentry, whether Deputy-Lieutenants or not, to send him information of all kinds about their neighbours, and such letters as Sir Henry Ashley, who was a Deputy-Lieutenant, wrote to the Secretary of State about his neighbour, Sir Matthew Arundel, who wanted to be one, are not solitary examples, and reveal the least pleasing side of the Tudor Squire.[1] Nevertheless, it is to the credit both of the Deputy and of his neighbour that even over the vexed question of subsidies there was, on the whole, remarkably little friction, the note that ran throughout all the letters of the Privy Council, Lieutenant and Deputy-Lieutenants, was that the service of the State must stand first for all men. They did succeed in impressing it upon the county, so that Deputy-Lieutenant John Manners could write to Sir Thomas Cockayne :

"Although there be matters in variance betwixt us, yet I trust this will be no hindrance to your good devotion to further Her Majesty's Service." [2]

On the whole, it is this note that is struck rather than a more disagreeable one. The men of the county, whether acting as Lieutenants, Deputy-Lieutenants, Sheriffs, or Justices of the Peace, were closely knit together by ties of relationship or friendship or both, and much of the work done was done purely informally. There are pleasant enough pictures in some of the correspondence of the kind of way in which the Deputy-Lieutenants would meet the other Justices and intermingle important discussions of the preservation of the red deer with the best way to arrange the musters.

[1] Hist. MSS. Com., Hatfield MSS., vol. iii., various entries.
[2] *Ibid.*, Rutland MSS., vol. i., p. 208.

The same is true of what might have been the even more vexed question of religion. The Lieutenant himself seems very often to have been named as one of the Ecclesiastical Commissioners for his district. Certainly a special duty entrusted to him and his Deputies was the work of arresting recusants and sending them to the Bishop or to the Court of High Commission or to the Privy Council, according as they received instructions.[1] It is, however, difficult to say how far the religious changes affected the appointment of Lieutenants and Deputies. Many of the Lieutenants were the same for the reigns of each of Henry's children, and under Elizabeth, it is clear, from the case of Sir Matthew Arundel and others, that open and known profession of the old religion did not bar a man from being made a Deputy. On the other hand, where disloyalty to the State was suspected, or where a man was personally unpopular, his religion, or supposed religion, was held by the Lieutenant or Deputies, with or without the suggestion of the Privy Council, as a reason for imposing a higher payment of the subsidy upon him than he would otherwise have been called upon to make, and during the latter half of the reign the accusing and arresting of recusants by Deputies must, it seems, inevitably have caused some bitterness, although there is remarkably little of it apparent, and one letter, at least, has a somewhat comic ring. Godfrey Foljambe, Deputy-Lieutenant, on February 20, 1587, wrote to the Earl of Shrewsbury, Lieutenant, that he had received his Lordship's letter concerning the apprehension and committing of divers Papists. He had apprehended the Lady Constance Foljambe,

"my grandmother, and now have her in my custody, whom (by God's help) I shall safely keep and have forthcoming when she shall be called for." [2]

[1] For an account of the dealings of the Deputy-Lieutenants of Lincolnshire with a recusant, *see* Hist. MSS. Com., Cowper MSS., vol. i., p. 8.

[2] Talbot Papers, vol. N, fol. 121.

It was the year 1585 which seems to have been in many respects a turning-point in the history of the Lieutenancy. Between that year and 1588, on account of the "unkindness" existing between the Queen of England and the King of Spain, many Lieutenants were commissioned.[1] Some of these were given four or five Deputies for a county, notably those who had charge of the maritime districts. In Devonshire the young Earl of Bath had as many as six assistants.[2] Lieutenants and Deputies alike continued in office not only during the years of alarms and excursions prior to 1588 but also long after that date. Apprehensions of a Spanish invasion did not cease with the defeat of the Armada. Between 1588 and 1603 the county had of necessity to be kept in a state of defence, while at the same time the Crown was forced to raise armies for service in Ireland and abroad. Hence the tenure of office of Lieutenants and Deputies tended to be prolonged. Simultaneously more work was thrown upon the latter, since once the Lieutenancy became a matter of years instead of weeks or at the most, months, the Lieutenant, especially if he were also a Privy Councillor, was often away from his district. Hence Deputies for each county were not only more numerous than before 1588 but they also increased in importance, both actually and in their own estimate of themselves.

In the letters and papers referring to the work of administering the counties during this period, the Lieutenant tends to sink somewhat into the background, and the Deputy-Lieutenants come more and more into the foreground. In many cases they began to communicate directly with the Privy Council instead of through the Lieutenant, although the Council was not slow to give a rebuke when it was needed. Writing on June 26, 1596, to the Deputy-Lieutenants of Dorset, the Council said :—

"As we do usually give our direction unto our very good lord, the Lord Marquis, Her Majesty's Lieutenant for the County,

[1] Hist. MSS. Com., Foljambe MSS., fol. 125b.
[2] *Cp.* S.P.D. Elizabeth, vol. clxix., No. 58.

so we expect to be certified particularly by him of all matters concerning Her Majesty's service there, and therefore it had not been amiss that your advertisements should come through his lordship's hands to us and do wish that they may so pass hereafter." [1]

Perhaps these particular Deputies had merited a snub, for although the statement of the Council was true enough of earlier years, during later ones the Privy Council did very often communicate orders direct to the Deputies and not through the Lieutenant at all, and when a comparatively young and inexperienced man, the Earl of Bath, was made Lieutenant of Devon and Cornwall, he was definitely told that he was expected to abide by the advice of his Deputies in all respects.[2] At this time and before it, the post had indeed become one carrying with it a considerable amount of pre-eminence in the country and it was eagerly sought after.

It may have been by reason of the good work done by the Deputies that it almost seems as if the Crown had at least contemplated the disuse of the Lieutenancy, for, on the death of the Lieutenant, very often no further appointment was made.

On July 24, 1596, the Privy Council wrote to the High Sheriff of Suffolk and the Deputy-Lieutenant of the Shire as follows :

" In several counties of late years, Lieutenants of Her Majesty have died, so that their service cannot now be executed without further authority. For that purpose Her Majesty hath given authority unto us, the Lords and members of Her Majesty's Privy Council, under the Great Seal of England, to appoint and nominate such special persons as are of credit and experience with the Sheriffs of those counties whereof the Lieutenants are deceased, or any other counties of the realm where the said Lieutenants shall happen to decease, to view, try and array the county levies and send up the Muster Rolls, as in former times the Lieutenants were charged to do, and to execute such

[1] Acts of the Privy Council, June 26, 1596.
[2] Acts of the Privy Council, Oct. 2, 1586.

directions as the Council shall give. In Suffolk, Lord Hunsdon being dead, the High Sheriff, with Sir Philip Parker, Sir Robert Jermyne and Sir John Higham, Knights, and Antony Wingfield, Esq., late Deputy-Lieutenants, are to be commissioners to observe all such orders as were heretofore executed by the Lieutenant or his Deputies." [1]

During that year and subsequently, such letters are of frequent occurrence, and until the end of the reign a group, formed of the whilom Deputy-Lieutenants, is constantly mentioned in one county after another as acting instead of the Lieutenant, having the authority, doing the work, but not having the name. The military administration of the counties had to a great extent passed from the hands of a single nobleman into those of a group of squires.

[1] Acts of the Privy Council, July 24, 1596; S.P.D. Elizabeth, vol. 261, No. 1.

THE ENGLISH ESTABLISHMENTS ON THE GOLD COAST IN THE SECOND HALF OF THE EIGHTEENTH CENTURY

By Eveline C. Martin, M.A. (Lond.).

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Among the many unexplored fields in the history of the Outer Empire, the British settlements on the West African coast, until the last twenty years of the eighteenth century, have been the most neglected. The main course of English relations with that coast from earliest times to the end of the nineteenth century has been told in an admirable survey by Sir Charles Lucas,[1] and several histories of the Gold Coast exist. None of these sources, however, have provided more than an outline sketch of the English settlements in West Africa, and the method of government and organisation by which they were maintained in the eighteenth century has not been examined. The most recent history of the Gold Coast, published in 1910 by Mr. Walton Claridge,[2] is mainly occupied with nineteenth-century history, and no attempt is made by him to give anything but a cursory description of government in the previous century. Many other surveys of European progress in Africa have been written, but in all of them the treatment of the eighteenth century is slight. It is easy to account for this neglect. The story of the coast is bound up with the most discreditable of undertakings that mark the expansion of the Empire—the negro slave trade—and Lecky's brief account of the

[1] Lucas: *West Africa.*
[2] Claridge: *History of the Gold Coast.*

English relations with West Africa would not encourage research into a subject so humiliating to national pride. "All Africa was convulsed with civil wars and infested with bands of native slave dealers hunting down victims for the English trader whose blasting influence, like some malignant providence, extended over mighty regions where the face of a white man was never seen." [1]

As far as this story has been told it is sordid, unrelieved by the interest that attaches to striking personalities or great movements, and it is not until the days of the adventures of Mungo Park, and of the attempts at Sierra Leone to found a colony for freed negroes, that West Africa becomes an attractive subject.

The neglect of the study of the English African establishments during the slave trade period, though a comprehensible neglect, has left a serious gap in the story of the overseas expansion of the Empire : what extent of territory was held by Europeans, what the nature of their establishments was, how they were governed, how the slave trade was carried on, into what relations the English entered with the natives, are all subjects on which our knowledge is of the slightest.

The question to which the following sketch attempts to give an answer is how the African settlements were governed in the second half of the eighteenth century. It is a period of drastic change in Empire government ; in that time Great Britain suffered the breaking away of a most important part of the overseas territories, and during the same period the extension of power in India began to be accepted as a responsibility of the nation. While the American colonies were parting from Great Britain through a failure in government, and the trading organisation in India was being recognised as inadequate for the power it had acquired, the Gold Coast settlements show a type of government which continued throughout this period of change.

[1] Lecky: *England in the Eighteenth Century*, II, p. 245.

So free has the field for research been left in this subject that it has been necessary, for the purposes of the present sketch, to select arbitrary boundaries for the period to be investigated, and I have taken thirty-five years in the second half of the eighteenth century, 1750–85. There are reasons for these boundary dates: 1750 was the year in which, after the financial failures of the Royal African Company, Parliament passed a measure providing a new form of government for the African Settlements, under which scheme the Coast was governed till 1821; and 1785 is chosen as the concluding date, because it marks the beginning of the period of philanthropic efforts in the course of which the African Company became the object of attack of humanitarians, after which the history of the African settlements passed through a new phase, though the organisation of government remained the same.

The reports of debates, petitions and enquiries which preceded the change of government of 1750 all bear witness to the fact that the African settlements were unanimously considered to be of the greatest national value, though opinions differed as to the best means of providing for their upkeep.[1] The forts, in whose management such keen interest was taken, had little to recommend them as special objects of national attention. There were eight forts on the Gold Coast and one on the Gambia when the reorganisation of 1750 was carried through,[2] and these practically represented the extent of the British West African settlements at that time. Beyond their walls the English authority did not extend, and for the right to hold the forts regular payments of rent were made to native rulers. The actual area of territory for the government of which provision

[1] i. Papers presented to the Commons by the Board of Trade, 1749, *passim*; ii. Minute Book, Board of Trade, 1749, C.O. 391/57, *passim*; Entry Book, Board of Trade, 1749, C.O. 399/30, *passim*.

[2] 25 Geo. II, c. 40. Schedule I. From West to East these forts were: Dixecove, Succondee, Commenda, *Cape Coast Castle*, Tantumquerry, Winnebah, Accra, Whydah. Two were added to the list after 1750: Annanaboe, which was rebuilt 1753; Appolonia, which was built 1766.

had to be made was, therefore, not more than a few acres held by the English trading companies as tenants of a number of native rulers. While insignificant in extent the settlements were also in an undesirable situation as far as climate and surroundings were concerned. The forts were dotted along four hundred miles of Equatorial Africa known as the Gold Coast, and were built on a strip of plain land lying between a flat sandy shore on the sea side and on the land side dominated by low but densely wooded hills, which gave place further inland to higher ranges of mountains, making an effective barrier between the Europeans on the sea-coast and the unexplored interior. It was not an attractive situation in the middle of the eighteenth century, the African climate being recognised as fatal to the majority of Europeans who spent any time there. Nor had the Gold Coast the advantage of being free from the trouble of European rivalry. The English had as neighbours and rivals the Dutch, who also had forts along the Gold Coast interspersed between the English settlements.[1] The explanation of the keen interest taken in the management of these unhealthy and circumscribed forts lies in their value as giving English merchants points of connection with the African slave trade, about the value of which the commercial interest of the eighteenth century had no doubts. Malachi Postlethwayt sums up the views of his contemporaries on the subject when, after discussing the importance of various branches of commerce, he wrote: "How great is the importance of the trade to Africa, which is the first principle and foundation of all the rest, the mainspring of the machine which sets every wheel in motion . . . so that both for exports and imports, the improvement of our national revenue, the encouragement of industry at home, the supply of our colonies abroad, and the increase of our

[1] The arrangement of Dutch and English forts was, in 1760, as follows West to East, E., D., D., D., E., D., D., and E., D., E., D., D. (*Elmina*), E. (*Cape Coast Castle*), D., E., D., E., D., E., D., E., and D., E. (Bennet: *Africa According to the Sieur d'Anville*, 1760.)

navigation, the African trade is so very beneficial to Great Britain, so essentially necessary to the very being of her colonies, that without it neither could we flourish nor they long subsist." [1]

Therefore in the general interest of British trade and plantations the management of the African settlements was a matter of important concern. After prolonged discussions an Act for extending and improving the trade to Africa was passed in 1750.[2]

The aims expressed in this Act were to leave trade with Africa open to all who might wish to share in it, and at the same time to provide for the upkeep of the forts. By 1750 it was recognised that this expense would have to be borne mainly by the Government, but the organisation and management of the forts was to be entrusted to the merchants engaged in the trade, whose personal interest and knowledge should have qualified them for the work. At the same time, as the main burden of expense was to fall on the nation, the work of the merchant-body was to be carefully controlled by His Majesty's Government. The constitution which resulted from the attempt to unite these aims was neither Company government nor State government, neither State enterprise nor a private venture, but a composite erection, making a combined State and traders' organisation for the management of these valued possessions. The experiment is of especial interest, coming as it does before the experiments were made in India to provide for dual control of Company and State there.

By the Act of 1750 there was incorporated "The Company of Merchants trading to Africa," in which the African forts and factories, formerly the property of the Royal African Company, were to be vested, and which was to undertake their management and upkeep. The new body was incorporated as a regulated Company, membership of which was to be open to all who paid a fine for

[1] *Treatise on Trade to Africa:* An African Merchant, 1772.
[2] 23 Geo. II, c. 31.

admission of 40*s*. To obviate the danger of a return to trade monopoly it was provided that it should not be legal for the Company "to trade to or from Africa in their corporate or joint capacity, or to have any joint or transferable stock." [1]

The government of the Company was to be in the hands of a Committee of nine, annually elected by the freemen of each of the leading ports concerned in the trade—London, Bristol, and Liverpool. The functions of this Committee bear no comparison with the powers possessed by the Directors of the Joint Stock Companies. The Committee had no power to regulate in any way the methods or extent of the trade of the freemen, and were appointed solely to make the necessary arrangements for the government of the forts. This Committee, limited in its powers on one side by prohibitions against interference in trade affairs, was limited in its control of the forts by the supervisory authority of Parliament, the Board of Trade, and by its dependence on the Treasury and Admiralty. Parliamentary control was maintained by the Company's dependence for financial support on Government grants, as no provision was made in the incorporating Act for a regular income from which the expenses of fort upkeep could be met, and the prohibition against corporate trade prevented the Company from making an income for itself. Parliament therefore had a firm hold over the Company, and disapproval of any of the Committee's doings might have been met by a refusal of supply. No such drastic step was resorted to throughout the seventy-one years of the Company's life, and regular grants were made to meet the expenses of the ordinary management of the forts, varying from £10,000 to £20,000 a year.[2] Though the supplies were never cut off, the Company had each year to present a statement of their accounts, and make petition to secure the grant. The Company was, therefore, unable to embark on any schemes involving extra expenditure without express sanction, and the consideration

[1] 23 Geo. II, c. 31, sec. iv. [2] C.J. vols. XXV. *seq.*

of the annual petition to Parliament provided critics of the Company with a regular opportunity for expressing their views. This opportunity was frequently taken, and the Company had throughout its existence to stand constant criticism. Of many debates on the African grant those of 1758, 1772 and 1777 were the most striking. That of 1758 ended with a triumphant verdict for the Company: "that it appears to this House that the Committee of the Company of Merchants trading to Africa have faithfully discharged the trust reposed in them," [1] but in 1772 a bill was brought in to alter the method of election of the Committee,[2] and in 1777 the whole government of the Company in the twenty-seven years of its existence was thoroughly investigated and hotly debated in Parliament.[3] In the course of these debates the work of the Committee was described with emphasis by their opponents. "The African Committee have acted contrary to the trust reposed in them . . . have misconstrued the import and spirit of the Act . . . they have perverted the true intent of the legislature, have acted diametrically contrary to the real interest of the nation and nearly annihilated your trade; neither can so destructive a system of folly and mismanagement be too soon abolished." [4] Fortunately for the Committee they had in this debate Burke on their side, who maintained that far from being wasteful or mismanaging they were to be congratulated on having supported the forts at all on the inadequate funds allowed them, and he strongly opposed the suggestion that a new form of government for the African forts should be prepared, as he considered it likely only to "terminate in Government jobs and putting the trade upon a still worse footing than at present." [5] The debate ended inconclusively, and the constitution of 1750 continued without any other serious attack. The readiness of Parliament to discuss the

[1] C.J., XXVIII, 1758, Feb. 8.
[2] *Parl. Hist.*, XVII, p. 503.
[3] *Ibid.*, XIX, pp. 298 *seq.*
[4] *Ibid.*, Mr. Temple Luttrell, p. 303.
[5] *Ibid.*, Burke, pp. 313 and 315.

African management therefore provided some check on the Committee's action, as they had to be prepared to defend themselves at any time.

The control of Parliament over the Committee was supplemented by that of the Board of Trade, which was given a general supervisory authority over the Company by provisions in the incorporating act authorising the Board to dismiss any of the Company's officers or servants or members of the Committee found guilty of misbehaviour, and to call for information from the Committee on any matter.[1] The Board were not empowered to impose orders on the Company, but their powers of report and investigation gave them considerable control, and their advice at times was of a very compelling nature. In 1752 the Board expressed such strong disapproval of a project designed by the Governor at Cape Coast Castle for introducing cotton and indigo cultivation on the coast that the Committee, who had approved the project, had to contradict their own orders and censure their enterprising Governor.[2] Apart from a few cases of similar interference the Board showed little desire to intervene in the Committee's work, and in 1758, when a suggestion was made that the Board should be given direct control of the forts, they reported themselves "from multiplicity of business as well as other causes" quite unable to undertake the task.[3] While holding a controlling authority over the Committee the Board did good service by means of their position as an office of information to which Secretaries of State appealed. The whole machinery of government was available for the support of the African settlements, as of any other part of the Empire, but to set the machinery in motion some further force was needed than a complaint from the Company that their rights had been invaded, and the recommendation of the

[1] 23 Geo. II, c. 31, sec. xxi. and xxiii.
[2] *Minutes*, Board of Trade, 1752, Feb. 14 (C.O. 391/59).
[3] *Minutes*, Board of Trade, 1758, April 21 (C.O. 391/65).

Board of Trade gave the necessary weight to appeals or complaints.

In 1771 complaints from the African Coast of aggressions by the Dutch were transmitted by the Board of Trade to the Earl of Halifax, Secretary for the Southern Department,[1] through whom the matter was taken up and entrusted to the English Ambassador at the Hague, Sir Joseph Yorke. In the long diplomatic negotiations which followed Sir Joseph Yorke was instructed to inform the States General that it was His Majesty's intention "to support the honour and dignity of his Crown and protect his subjects in full enjoyment of their commercial rights and privileges." [2] While the Dutch raised countless obstructions and delays in these negotiations the Crown took an increasingly determined attitude, and the Ambassador was finally instructed to threaten the use of force if the traders' complaints were not satisfied. The delicate diplomatic situation at the Hague in 1774, however, prevented the threat from materialising, and the American war was the next scene in that quarrel.

Examples might be multiplied of incidents in which the Board of Trade acted as a guardian and supporter of the African Committee, rather than as a restraining or controlling authority, and the Committee readily acknowledged their appreciation of the Board's services,[3] while, with one striking exception, there are but few records of serious difference of opinion between them.

While the Company of 1750 was limited in its actions by the Government, it had the counterbalancing advantage of being limited in its responsibility. Provided simply with a grant for keeping up the forts, the Committee had no means of maintaining a naval force, which, considering the situation and disposition of the forts, was essential to their protection. For this defence the Company had to depend

[1] Board of Trade to Halifax, 1771, May 22 (C.O. 391/78).
[2] S.P.F. Holland, 538. Suffolk to Yorke, 1773, Feb. 9.
[3] Committee to Board of Trade, 1774, Jan. 12 (T70/69).

on His Majesty's Navy. Though in the incorporating act no definite provision was made for the maintenance of a regular naval force on the coast, the responsibility for such defence was recognised as lying in the Admiralty, by the clause which gave power of inspection to "such of His Majesty's Ships of War as shall be stationed or ordered to cruise within the limits aforesaid," [1] and it became a recognised custom for the Admiralty to send vessels out to cruise along the coast each year. In time of war the strength of the naval force detailed for West African service depended on the plans of the general campaign. During the Seven Years' War there was no important action off the Gold Coast, as Pitt's attention was concentrated on the campaign in the Senegal region, but during the American War an ill-planned and worse-executed combined naval and military expedition was sent to the Coast under Lord George Germaine's orders for the offensive defence of the English settlements.[2] The results of the expedition were of very questionable advantage for the settlements, though they made a cheering paragraph in the *Annual Register* [3] of 1782.

The navy was not only the force on which the Company relied for defence, it was also an important diplomatic agent on the Coast, where disputes between English and Dutch constantly raged. In one of Sir Joseph Yorke's despatches he expressed his opinion of its value: "I observe that whenever any of His Majesty's ships appeared on the scene all the disputes were adjusted and every point settled in all appearance to mutual satisfaction." [4]

As by the Act of 1750 the Company of Merchants was made responsible for the government of the forts, the only representatives of English authority on the coast were

[1] 23 Geo. II, c. 35, sec. xxx.

[2] Germaine to Mackenzie, 1781, May 30 (C.O. 268/3). Admiralty Secret Letters, 1781, May 2, to Capt. Shirley (Ad. 2/1340).

[3] *Annual Register*, 1782, and Governor to Committee, 1782, June 6 (T70/33).

[4] Yorke to Holdernesse, 1762, June 17 (C.O. 388/50).

servants of the Company, and when the Crown wished to enter into negotiations with the natives, the commanders of His Majesty's ships, and not the resident governor, were given the honour of representing the Crown. In 1752, when a treaty was concluded with the Fantees, the officers of H.M.S. *Glory* provided the necessary dignity and authority to the negotiations, and Captain Cockburn, the commanding officer, gave the natives the solemn assurance of the protection of the English Government.[1] Again when, after the American War, demands were made by the natives for payment for the part taken by them in attacking the Dutch, the settlement of the affair was entrusted to Captain Thomson, of H.M.S. *Grampus*, who distributed to the natives the compensation allowed by the Government.[2]

Though the navy is seldom mentioned in the Act of 1750, it was an important check on the irresponsibility of the Company's government in Africa, by providing a means of report on native affairs, on the condition of the forts and their management, on the relations of the English settlements with the Dutch, and on the views of the masters of trading vessels. The supervisory authority of the Board of Trade over the Committee of the Company in London was to some extent paralleled on the Coast by the relations of the navy to the Governor of the forts.

Subject to the limitations of these checks on its action, the Company was made guardian and governor of the African forts and responsible for providing for their organisation and upkeep. The governing functions of the Company, which were entrusted to the Committee, were those of appointing "governors, deputy-governors, or any other officers civil or military" for the forts, of making orders for the government of the forts and regulation of the officers

[1] *African Company's Papers*, Melvil to Committee, 1752, Oct. 30 (T70/29).

[2] *Certificate of Payment from Capt. Thompson*, 1786, Jan. 16 (C.O. 267/9).

and servants there, and of investing the money entrusted to them " for the sole use, preservation and improvement of the forts and settlements." [1]

The Coast Service, which was appointed by the Company of 1750, was closely modelled on the African establishment of the Royal African Company, and therefore, though there is a distinct break in the London control of the African settlements when the new Company was established, there is considerable continuity in the Coast government. The Committee carried out their duties of providing for the government of the forts by appointing a civil staff of writers, factors and chief agents under the presidency of a Governor, and a military force which was also under the Governor's orders. In appointing to the Coast service the Committee required little qualification except that candidates should be " from the middle class of life, young men of respectable connections, and very well educated," [2] and the principle on which they arranged promotion in the service was that boys entering the service should begin at the bottom and work up from writer to factor, and factor to the command of a fort, then passing from fort to fort till the position of Governor was reached. The principle was sound in a service where nothing but hard experience of Coast life could qualify a man to meet the many emergencies which that life entailed. For a few appointments specially qualified persons had to be found ; these were the positions of surgeons, accountant, surveyor and gardener, and even for these average ability and commonsense were found more valuable in the uncertain climate of West Africa than theoretical knowledge. Though the African service was said to be one universally disliked, the Committee had generally a waiting list of applicants, except for the military force, which was always difficult to fill.

In carrying out the second duty, that of making orders for the government of forts and garrisons, the Committee

[1] 23 Geo. II, c. 31, sec. v.
[2] *Report on African Forts*, 1816, Jan. 26.

made no attempt to draw up a comprehensive scheme of rules, but having provided the first Governor with instructions as to his duties they used these as the basis of their Coast code, adding to them in the voluminous despatches which were subsequently sent out. These instructions were mainly concerned with the financial side of the Governor's work, about which detailed orders were given. The Governor was also instructed to prevent encroachments by foreign powers on English claims, to give help to all British vessels, and to allow them free intercourse with the natives. All other duties were provided for in the comprehensive order, and " if circumstances shall arise which are not seen or provided for in these instructions, you are to conduct yourself therein according to the best of your Skill, Power and Judgment, having always to your View the Preservation of the British Property and Trade." [1]

The government of the civil and military service on the Gold Coast was the Governor and a small Council, varying in composition and undefined in powers, which was responsible to the Committee for the order and management of the forts. In the period under discussion this body was of little importance, as the Committee kept control in their own hands, and the African Office in London, and not the Council Room at Cape Coast Castle, was the centre of government. The small Council is interesting as a link in the series of coast governments, but not, in the second half of the eighteenth century, as a body whose doings were of much importance.

While the duties of providing a coast establishment and drawing up rules for their government were the most important functions of the Committee, that to which they devoted most time and energy was the investment of the annual grant made by Parliament for the upkeep of the forts, and as on this work the actual maintenance of the forts and their garrisons depended it is worth noticing in

[1] *Instructions to Melvil* (T70/143). Minutes of the Committee, 1751, Apr. 17.

some detail. From the money granted by Parliament certain charges were deducted before the amount actually to be invested for Coast expenses was known. The charges deducted were the fees paid at the Exchequer amounting to between £300 and £400 on a £13,000 grant,[1] £1,200 allowed to the Committee for the expenses of management in England,[2] and £1,000 for freight and insurance, which left little more than three-quarters for the purpose for which the grant was intended. After the deduction of these charges the remainder was invested in stores, ammunition and materials for fort repair to be sent out to the Coast, to serve four main purposes: (1) to provide part of the food supply of the garrison; (2) to provide goods which could be issued as salaries to the Committee's officers and servants either for their own use, or which, by barter with the natives, they could exchange for native food and drink, or use for carrying on private trade; (3) to provide stores to be issued to the officers in charge of the forts for payment of rent and other charges, for issuing as presents to natives of importance, for payment of black labour, and for purchasing wood or other materials for repairing the forts; (4) to provide ammunition for the garrisons, and building materials which could not be got upon the Coast. For these purposes the sum invested was apportioned between three classes of supplies: "necessaries," covering food and clothing; "goods," merchandise for barter, and "stores," which included coal, iron, medicines and everything not in the first lists, about 80 per cent. being invested in goods, and 20 per cent. in stores and necessaries together.[3] The thoroughness with which the Committee carried out the selection of the ship's cargo was of vital importance to the well-being of the garrisons on the Coast. Not only had the food supply to be carefully inspected, but also a discriminating choice of commodities for barter was essential.

[1] Balance Sheets of the Committee, 1780 (T70/906).
[2] 23 Geo. II, c. 31, sec. xxiv., amended by 4 Geo. III, c. 20, sec. ii.
[3] Invoices: 1757–68, *passim* (T70/927).

The market for the European goods and the source of supplies and labour in Africa was provided by the native population living round the English forts, and traders from the hinterland who came down to the coast to barter slaves for European merchandise. As the Committee could not judge of changes in native demand the selection of goods for barter was largely made up on the basis of invoices sent home by the Governor of Cape Coast Castle. The items most largely in demand were rum and brandy, English woollen goods, English or East India cotton materials, firearms and gunpowder. The days when native commodities or slaves could be purchased for gaudy trifles were over by the eighteenth century, and in addition to changes in native taste the value of supplies was always liable to be affected by the number of vessels on the coast. West India rum, at one time a popular and profitable commodity, was in 1773 " a perfect drug on the coast," [1] and the Committee sending out goods in 1774 wrote to the Governor that they had at his " very earnest request wholly omitted the article of rum," [2] yet the next year an officer wrote to a correspondent in England: " I would by all manner of means advise West India rum and English brandy to be sent out, and that in large quantities." [3] The reason for the rapid fluctuation in demand was that the natives preferred American to West India rum, and while American was plentiful in 1773 there was no market for West Indian, but when troubles in America checked that trade the less popular brand was accepted as a *faute de mieux*. In the selection of cotton and woollen goods care and discrimination was necessary to secure the kind most in accordance with native fashions. In 1773 an officer in the service wrote to a European correspondent that particular attention must be paid to the pattern and quality of the chintz sent out, as on those points depended its value.[4]

[1] Miles to Bourke, 1773, Jan. 31 (T70/1402).
[2] Committee to Governor, 1774, Dec. 5 (T70/69).
[3] Miles to Shoolbred, 1775, Aug. 18 (T70/1482).
[4] Miles to Bourke, 1779, Sept. 15 (T70/1483).

Such distinct native taste, combined with the inevitable fluctuations of trade, made the work of the Committee in drawing up their lists of contracts an undertaking of much greater importance than would appear at first sight, as an error in discrimination might seriously reduce the fort income. In the choice of food supplies the continual difficulty was to secure that what was sent out should be sound when it reached Africa. The provisions generally sent out were beef, pork, bread, butter, cheese and flour. The butter was often uneatable, the bread mouldy, leakages and breakages were a regular complaint, and various experiments in different forms of packing were made to secure better results. Complaints were the normal result of the arrival of supplies, and when in 1774 the Governor and Council expressed approval of the stores the Committee were greatly gratified.[1] The stores list was the most varied part of the cargo, as besides the annual supply of medicines, brick, stone and deal had to be sent out for fort repairs, seeds for the gardens, paint and other miscellaneous supplies.

Having drawn up lists of the supplies to be sent out the Committee had to charter a vessel to carry their stores, as they owned no fleet ; and to despatch this vessel laden with stores, recruits for the services and carrying orders for the Governor and Council was the main reason for the existence of the Committee. In addition they had to keep the Board of Trade informed on African affairs, complaints of individual traders against the Coast government, and prepare and present to the House an annual statement of accounts and petition for supplies. This clerical side of the work was very largely done by their Secretary, and while the Committee was annually elected, and no member might sit for more than three years consecutively,[2] continuity was provided by the Secretary. Though the Secretary was annually appointed it became the practice

[1] Committee to Governor, 1774, Dec. 8 (T70/69).
[2] 23 Geo. II, c. 31, clause xi.

to re-elect him, and between 1750 and 1785 only four secretaries were appointed, one of whom held office for sixteen years.[1]

As the object of this essay is to show how the English Gold Coast establishments were governed in the second half of the eighteenth century, the main discussion has centred round the powers in England in whose hands the reins of government lay. The duties of the Governor and Council on the Coast was that of maintaining the British flag behind the walls of partially dilapidated forts. The most stringent orders were sent to them that they should avoid hostilities with natives or with the Dutch, and that they should refrain from interfering in any way with the English traders who came out. Neither relations with the native powers, nor with the representative of the Dutch East India Company, were controlled by the views of the Coast Council, who had to take their orders on these subjects from London. The powerlessness of this Coast government is its main claim to interest. The Governor and Council at Cape Coast Castle were the only resident body on the Coast representing British authority, and their authority did not extend beyond the servants employed by the Committee, though there was a small population of resident English traders on the coast. Over these traders the Government and Council had no authority, as was emphatically reiterated by the Committee. "You neither have nor do we want you to have any control over free traders. It is your duty to assist, not to direct, much less to restrain or cramp them in their dealings."[2] This absence of power to direct the free traders frequently made it impossible for the Council to carry out the Committee's orders, and increased the difficulties in the way of remaining on good terms with the natives. When free traders who had abused and cheated the natives sailed from the coast it was left to the forts to

[1] The Secretaries were: William Hollier, 1750–1753; Samuel Poirier, 1754–1770; Richard Camplin, 1771–1777; T. Rutherfoord, 1778–1787.
[2] Committee to Council, 1782, Jan. 26 (T70/69).

bear the brunt of native revenge, and patch up good relations again. The result of the weakness of the Governor's position was friction and quarrelling among the English population on the Coast, in which the natives learned to profit and to play off one party against another, and the resident representatives of British authority were looked upon with neither fear nor respect by the neighbouring native tribes. The problem of living in safety and peace in West Africa was complicated by the numbers of different native tribes who claimed authority along the coast. Bosman, writing at the end of the seventeenth century, stated that there were eleven native countries along the Gold Coast, seven of which were kingdoms and the remainder "seem to approach nearer to commonwealths,"[1] and eighteenth century maps show these divisions.[2] The origin and division of the Gold Coast tribes and their relation to one another are still matters of conjecture.[3] The vital fact to the eighteenth century Governors was that there were a large number of native authorities who owned no overlord, with whom the English might make a comprehensive agreement, and with all of whom they had to keep on friendly terms. For almost each separate fort different native rulers had to be paid rent, and given large annual *douceurs* to ensure their friendship. Payments to natives made up more than half the annual expenses of the fort service,[4] and when the Committee in London protested against the extent of these payments and required that they should be reduced, the Governor and Council stubbornly refused and justified their disobedience on the grounds that "owing to the weakness of the Company's position it is necessary to keep black men of power in our pay that we may live at peace with the natives who would otherwise molest us, knowing that we have not sufficient power to protect ourselves."[5]

[1] Bosman, Description of the Coasts of Guinea, Letter I.
[2] Bennet: *Africa According to the Sieur d'Anville*, 1760.
[3] Migeod: *Journal of the African Society*, Jan., 1920.
[4] Abstract of C.C.C. Day-Books, 1752 (T70/1008).
[5] *Minutes of Council*, 1781, Oct. 20 (T70/152).

The main efforts of the coast officers being directed towards attempts to secure their own position and keep trade open, their attitude to quarrels among the natives was in general one of non-intervention, unless considerable benefit to the English could be proved to result. The Committee's instructions were that every effort must be made to keep the peace, " Let it be your constant endeavour to promote peace and good harmony amongst the natives," [1] as native quarrels ruined trade. The whole subject of English relations with the natives at this time is one on which the Company's records throw interesting light, but it demands much fuller treatment than is possible in this short sketch. The development in native affairs of the period which is of greatest importance is the growth of the power of the Ashantees, who in 1750 had been an inland power lying behind the coast territory. Their authority was gradually extended, and the rumours of an Ashantee descent on the coast gave uneasiness to the English Governor and Council from 1768 onwards,[2] though the actual descent did not take place till the beginning of the nineteenth century.

While the Ashantee menace was the most important native affair in which the English took active interest, they were also involved in lesser disputes from time to time, such as quarrels between factions in the native village at Cape Coast Castle.[3] These disturbances were generally settled by palavers in which, by liberal expenditure of liquor, agreement was often reached. The item " Palavers " in the Council's accounts shows that what influence was derived from the position of arbiter was paid for in brandy and tobacco, and the Committee, in the interests of economy, constantly urged caution in interfering in native affairs, " as we are sensible the interposition of Europeans in the quarrels of natives generally widens the breach, as both

[1] Committee to Governor, 1774, Dec. 5 (T70/69).
[2] *Minutes*, Board of Trade, 1768, April 26 (C.O. 391/75).
[3] Letter of Govr. Roberts, 1780, Sept. 21 (T70/1478).

parties rise in their demands expecting all charges to be paid as usual by the mediator." [1]

The weak position which the English held in relation to the natives is shown in the frequent accounts of insults to which the Company's officers and servants were subject at the hands of turbulent natives. Outside the actual walls of the forts the Governor's position was very perilous if he had incurred native displeasure, and Minutes and Letter Books are full of reports of physical violence offered to unpopular officers. There are several accounts of officers being kidnapped by the natives and being stripped and beaten before they were allowed to return to the forts.[2]

The weakness of the English position and their dependance on native goodwill was fully recognised by the Committee as well as by the officers on the Coast. In 1778 in a letter to the Colonial Secretary, the Committee explained that the security of their position on the Coast depended " more on the attachment of the slaves than on their feeble force in civil and military servants," [3] and complaints from the Coast were constantly sent to the Committee as to the insolence of the natives reaching " that pitch of arrogance it is scarcely bearable." [4]

The accounts of the life within the African service which may be found in the private letters preserved among the Company's records, as well as in the public documents, show it to have been a rough, coarse life. Though the Governor and Council were carefully restricted in their public work, they were given an unfortunately free hand in their treatment of subordinates and control of their forts, and the life of a new recruit to the African service was a hard apprenticeship. Blows and curses were a regular part of his education, his pay was issued in any goods which his superiors did not want, and unless he possessed both a tough

[1] Committee to Governor, 1781, Jan. 20 (T70/69).

[2] Governor to Committee, 1786, Jan. 8 (Governor of Tantumquerry), *ibid.*, 1782, 28th Sept. (Capt. Mackenzie).

[3] Committee to Knox, 1778, Sept. 23 (T70/69).

[4] Roberts to Bartlett, 1780, June 5 (T70/1478).

frame and a stout heart, one to stand against the climate and the other to keep him from despair, his days in Africa were likely to be both short and miserable. The attraction of the Service was its danger : the same deadly climate which, according to contemporary accounts, swept off over 90 per cent. of those who went out to the Coast,[1] left the way clear for survivors to rapid promotion to the coveted position of officer in charge of a fort. That advance was valued not for salary or glory of the office, but because it gave unrivalled opportunities for private trade, and trade was the end-all and be-all of existence on the Coast.

The paradox of the government of the West African forts in the period was that the further from the coast the greater was the interest taken in it. The West Indian planters never failed in keeping a watchful eye on the progress of the African settlements and the aggression of possible rivals. The Governor and Council on the coast were apathetic on that subject to an extent only to be explained by the inadequate powers of government allowed to them, and by the system which made the right to private trade a recognised part of the remuneration of the ill-paid officers in the Service. Except for a few obscure governors, such as Thomas Melvil and John Hippisley, who saw beyond the walls of the forts, the immediate problem of making peace between quarrelsome officers, distributing and accounting for the annual supplies and keeping quiet the most turbulent natives by bribery, was all that the Coast government attempted to do. Time and energy were as a general rule devoted to the private trade which was to provide those who engaged in it with means for retiring from the Service as soon as fortune allowed.

One of the ablest men in the Service, not one of the best Governors, Governor Richard Miles, wrote to a friend that the office of Governor-General was a burden which inconveniently interfered with private trade, and he considered it better to be in charge of one of the minor forts,

[1] Miles to Bourke, 1773, Jan. 31 (T70/1482).

where there were fewer official interruptions to his own business.[1]

Governor Melvil, who attempted to carry out his duties with some regard for the future expansion of the settlement, was reprimanded for his activities,[2] which were thought to be prejudicial to the general commercial system of the Empire.

The combination of the two principles ruling the Coast government, the limitation of authority to the point of discouraging all enterprise, and the encouragement of private trade among the officers, would have ruined the efficiency of any service, and the African officers were not superhuman. The responsibility for the government of the Gold Coast during this period does not, therefore, fall on the shoulders of the Governor and Council at Cape Coast Castle, but on the Committee in London, the Board of Trade, and His Majesty's Government, whose predominating influence and control over Coast affairs has been described earlier in the essay.

Conclusions as to the exact place in the history of the Empire constitution which this experiment in dependency government should occupy must be left for fuller study. The present essay has attempted to show how that experiment was put into practice, and has not dealt with the wider question of its failure or success. To make such an estimate, detailed comparison with the government of other outlying parts of the Empire at the same period would be necessary, as would comparison with the efforts of the Dutch and French in West Africa. Until such an examination can be made the government of the " Company of Merchants trading to Africa " may be looked upon either as a monopoly in the hands of a set of base, designing men using national grants for their individual benefit, as a large section of the African traders maintained,[3] or, as

[1] Letter Book, Governor Miles, 1781 (T70/1483).
[2] *Board of Trade Minutes*, 1752, 14th Feb. (C.O. 391/59).
[3] *Parl. Hist.*, **XIX**, pp. 298 *seq.*

Burke suggested, a body of men trying manfully to carry out a difficult task for the national good on insufficient means. One or two facts are patent. The Gold Coast forts were still British in 1785, and the African trade was still an important branch of national commerce. What greater development might have taken place under some other system of government is a matter for speculation.

NOTE ON MANUSCRIPT SOURCES AND BIBLIOGRAPHY

I. ORIGINAL SOURCES

THERE is no lack of material for an account of the English Gold Coast establishments in the second half of the eighteenth century, and the problem of the writer has been one of selection rather than of searching for sources.

1. PAPERS OF THE COMPANY OF MERCHANTS TRADING TO AFRICA.

First in importance are the Papers of the Company of Merchants Trading to Africa. These records, which passed into the custody of the Treasury in 1821, when the Company was divested of its property on the coast,[1] were deposited in the Public Record Office in 1846,[2] where they are catalogued among the Treasury Papers. The scope of these records has been indicated by Mr. Hilary Jenkinson of the Public Record Office, in a paper read to the Royal Historical Society in 1912,[3] and Professor Newton of King's College, London, made a report on them to the Carnegie Institute[4]; but the papers from 1750 have been practically unused.[5] For the most recent history of the Gold Coast, that published in 1915 by Mr. Walton Claridge, they have not been consulted.

Being the papers produced by the Company of Merchants in course of their activities as responsible for the management of the African forts, these records are the main source of information as to the organisation of the African establishments, and are of considerable importance for the history of events on the coast. They consist of the usual classes of records produced by organisations of the Company type: minutes, letters (in and out), accounts and miscellanea. As the Company had its centre

[1] *Report of Dep. Keeper of Public Records*, VII, App. II, p. 21.
[2] *Ibid.*, VIII, App. I, p. 27.
[3] *Transactions R. Hist. Soc.*, Ser. III, vol. vi.
[4] Attached to D.Lit. Thesis, 1914.
[5] Miss Hotblack refers to them in *Chatham's Colonial Policy*.

in London and a subordinate government on the coast, the records divide naturally into those emanating from, or addressed to, the Committee in London, and those produced in Africa. The London papers consist chiefly of minutes, letter books and accounts, all of which are of the greatest importance for the organisation of the Company. The minutes contain the Committee's decisions on all matters of policy; the out-letter books contain the Committee's despatches to the coast, and letters to a widely varied number of correspondents in England, and the in-letter books are copies of letters received from Africa. In addition the Company kept various registers: there is a register of the names and addresses of those admitted to the freedom of the Company, and there are registers of the appointment and subsequent careers of the officers and servants in the Company's employment. The accounts of the Committee show the method in which the allowance for a fort maintenance was invested in England, and invoice books show the details of the supplies sent out.

All the London records are of very great value for the question of the internal management of the Company. The papers produced on the coast also consist of minutes and accounts, the coast letters being among the London records. The minutes of the Council at Cape Coast Castle are not, for coast affairs, of so great value as the letters sent home, as they tended, especially towards the end of the century, to be occupied more with small matters of promotions and quarrels in the Service than with decisions on questions of importance. Their greatest importance is in the light they throw on life in the Service. Of all the records produced on the coast the accounts are by far the most valuable, showing the basis of the English position on the coast, and being the most trustworthy guide for questions of relations with the natives. Where the accounts are of least value is for relations with other European Powers. The coast accounts for the period consist of between 400 and 500 volumes, being made up of:

Journals of Cape Coast Castle	2 volumes a year.
Ledgers of Cape Coast Castle	2 ,, ,,
Garrison Ledgers of Cape Coast Castle . . .	2 ,, ,,
Day Books of Cape Coast Castle	2 ,, ,,
Day Books of nine out-forts . . .	the number varying from 5 to 12 for each fort for the period.

Day Books of Gunner and Surveyor.

And in addition there are miscellaneous volumes, as, for example, the Day Books of the Dutch forts captured in 1782 and held till the Peace of Versailles. The accounts have not been used throughout, but where used have been found not only valuable sources of information, but also the most interesting of the Coast records. The Day Books are of especial interest, as they contain the receipts and payments made by the officers in charge of the forts each day in order of occurrence, so that they may be almost taken to be the fort diaries.

In addition to the minutes, letter books and accounts of Committee and Council there is a large number of unbound papers, seventy bundles, of the period. The bundles are arranged chronologically, but the contents are practically unsorted, and are very miscellaneous. The series has not been used throughout, but the bundles examined consist of three main classes of contents: (1) the Coast despatches and reports to the Committee; (2) the bills for goods furnished to the Committee, receipts, cheques, etc.; (3) original correspondence, appeals for employment, offers of contracts to supply goods, complaints from merchants, and also a number of private letters of officers in the Company's pay. A number of these papers are damaged by damp, and quite illegible. For the purpose of the present sketch the most essential part of the information they contain is provided in more accessible form by the letter-books, minutes and account books.

With so large a fund of unused, and in some parts unexplored, material bearing directly upon the subject, it has been impossible to attempt either to examine it exhaustively, or to consult many of the other sources from which valuable information might be drawn. London, though the head-quarters of the Company, was only one of three ports responsible jointly for the management of the Settlements, and the records of the merchants in Bristol and Liverpool would be valuable. The possibilities of such material are indicated by a volume of papers of African merchants of Bristol which was deposited in the British Museum through the kind assistance of Dr. C. A. J. Skeel who discovered it in the Bristol Public Library.

The other sources which have been used will be taken in the order of the directness of their bearing on Gold Coast affairs, thus working from the lower authorities to the higher.

Papers of the Company of Merchants Trading to Africa.

[The Public Record Office reference number for all the following is T70.]

A. OF THE COMMITTEE IN LONDON.

	Years.	Volumes.	
Minutes	1750–1813	143–149	Missing for years 1763–1779.
Letter Books:			
In	1750–1813	29–35	Volume 29 contains both In and Out letters.
Out	1750–1815	29, 69–73	
Staff Registers . .	1750–1815	1454–1456	
Registers of Freemen	1750–1819	1508–1510	
Accounts:			
Balance Sheets .	1751–1819	905–908	
Ledgers: "Forts and Settlements"	1750–1784	633–634	
Journals . . .	1750–1792	357–359	
Pass Books . .	1750–1819	242	
Invoice Books .	1757–1786	927–929	

B. OF GOVERNOR AND COUNCIL ON THE COAST.

	Years.	Volumes.	
Minutes	1750–1818	151–154	Missing for years 1751–1769.
Letter Books . .	*Vide supra.*		
Accounts:			
Ledgers C.C.C. .	1750–1807	708–808	Not used throughout. Following volumes consulted: 708, 762, 763, 764.
Journals C.C.C. .	1751–1807	425–451	Used, 425, 426, 478, 479, 480.
Garrison Ledgers C.C.C. . . .	1751–1807	1276–1391	Used, 1347, 1351.
Day Books C.C.C. Accra, Tantumquerry, Annamaboe, Wydah, Appolonia, Winnebah, Commenda, Apam, Dixecove, Berracoe, Succondee .	1750–1807	1007–1092 947–1172	Used, 1045, 1046, 1008. *Ibid.*, 977, 999, 1120, 1131, 1140, 1160, 1182.
Pay Bills, African Company. . .	1785–1791	1462	
Report on Accounts .	1770–1776	155	
Private Papers of Richard Miles:			
Letter Books . .	1773–1781	1479–1483	
Accounts . . .	1772–1777	1264–1265	

C. UNBOUND PAPERS.

Years.	*Volumes.*	
1770–1808	1515–1587	The following have been used: 1515, 1516, 1531, 1532, 1541, 1542, 1543, 1547, 1548, 1554, 1560, 1561, 1562, 1565, 1566, 1571, 1576.

Records of Trading Merchants.

BRISTOL TRADERS' PAPERS.

Letters of Isaac Hillhouse & Partners—in Bristol Public Library. Volume 1713 to 1895.

Sundry Letters on Slave Trade, a list of the freemen of the Company, etc.

2. Board of Trade Papers.

As the records of the body responsible for considering and advising the Government on matters concerning trade and plantations, the Board of Trade papers are next in importance to the Company's records for questions as to the organisation of the forts, and throw light on the internal management of the Company, the relations of its Committee to the Coast Council, of the Committee to the traders, and of the coast officers to the Dutch and French. They also are valuable for a question on which the Company's records are inadequate: the African settlements in relation to the other English trading posts and plantations.

As the Board had a "general supervisory authority" over the Company, its records are important throughout the period. The minutes and letter books of the Board have been consulted throughout the period, and the original correspondence has been referred to for points of special interest. When in 1782 the Board was dissolved, and African affairs were directly in the hands of the Privy Council, the place of the Board of Trade Minutes is taken by the Privy Council Registers, where a discussion of the internal management of the Company may be found in 1783.[1]

When in 1784 the need for a special board for consideration of trade and plantation affairs was again recognised by the appointment of a Committee of Council for Trade and Foreign Plantation, a series of minutes concerned solely with matters of

[1] Reg. P.C., 1783, July 18 and Aug. 15.

trade and the colonies again began. These records are valuable throughout for the same points as those of the preceding Board of Trade.

In the Public Record Office the papers of the Board of Trade and the Committees for Trade and Plantations which concern African affairs are in two classes, partly catalogued as a section of the "Colonial Office" records, and partly in a separate list as "Board of Trade" papers. The main distinction is that the records of the Board which was dissolved in 1782 are in the "Colonial Office" list, and the records of the Committees from 1782 onwards are in the "Board of Trade" list, but the distinction does not hold entirely, as a series of correspondence on African affairs in the Board of Trade list (B.T.6 Miscellanea) belongs partly to the earlier period.

Some of the Board of Trade papers on African affairs are also among the Additional Manuscripts in the British Museum.

BOARD OF TRADE PAPERS.

In Public Record Office.

A. In Colonial Office List as "*Board of Trade (Commercial)*."

		Class.	Volume Numbers.	
Minutes	1750–1782	C.O. 391	57–89	
Letter Books:				
Outward	1750–1782	C.O. 389	30–34, 38 & 39 49–53	
Original Correspondence	1750–1782	C.O. 388	45–74	
	1753–1756	C.O. 69	1	Letters between Dutch and English on the Coast.

B. In Board of Trade List.

Series containing:				
Minutes	1784–1790	B.T. 5	1–5	
	1788 addit.	,, 6	12	
Letter Books:				
Outward	1786–1790	,, 3	1–3	
In Letters	1791	,, 1	1	
"*Board of Trade Miscellanea*"				
Correspondence	1771–1793	,, 6	1–8	
Correspondence	1780–1784	,, 6	14	
Evidence on Slave Trade	1788	,, 6	9–11	

In British Museum.

Additional MSS. 14034 *and* 14035.

1. "Papers relating to the West Indies, America, Africa and the Canaries, 1696–1786."
   Both in and out letters contain draft of report to Commons on condition and management of the African Trade.
2. "Papers of the Board of Trade and Plantations, 1710–1781." Correspondence, chiefly out. Drafts of letters to Committee of the Company of Merchants, draft of Memorials to the King, one 1767 on Appolonia. Also to Earl of Shelburne on Count Welderen's memorial.

Printed.

Of the Board of Trade Papers there are three reports for the period which have been printed:

1750.	Papers laid before the Commons by the Board of Trade on Trade to Africa	8223–c.–4 [47] Brit. Mus.
1777.	Return of Commissioners for Trade and Plantations on African Trade	Parliamentary Papers, Accounts and Papers, Vol. 59.
1789.	Report on Trade to Africa	524, K. 14, Brit. Mus.

3. Privy Council Records.

The Privy Council Records do not provide much information on Gold Coast affairs which is not in the Board of Trade papers, as the Council's chief function in regard to trade was that of making Orders in Council to direct the Board of Trade to collect information. Between 1782 and 1784 in the gap in the Board of Trade organisation the Privy Council Register contains references to the Company's accounts.

In the erection of the province of Senegambia in 1765 the Register of the Council and the Unbound Papers show the Council's consideration of the project, and the orders bringing the province into being.

In Public Record Office.

Reg. P.C. 103.	1752–1753	May 28, 1752. Order in Council approving building of Annamaboe.
,, ,, 111.	1764–1766	1765. Government for Senegambia Province arranged.
,, ,, 128.	1782–1783	1783. July Committee to make financial report.
,, ,, 129.	1784	March 5. Order for Committee for Trade and Plantations.
,, ,, 131.	1786	July 23. New Order for Do.
P.C. 1. 59	1765	May 31. Board of Trade Representation on Senegambia.

Calendared Records.

The series " Act of the Privy Council (Colonial) " which has been carried to 1783 is of little value for African affairs. The most important action of the Privy Council in relation to African affairs in the period, the establishment of a form of Government in the province of Senegambia, finds no place in the calendar.

4. Correspondence of His Majesty's Principal Secretaries of State.

From the Board of Trade information as to African affairs passed to the principal Secretaries of State, and a series of records is reached when Gold Coast affairs are placed in relation to the general government of the realm. The correspondence addressed to the principal Secretaries of State on African affairs is collected in volumes which have been catalogued in the light of nineteenth-century history among the Colonial Office papers under the title of " Sierra Leone," though for the period 1750 to the Peace of Versailles, Sierra Leone is not mentioned in the correspondence. The series contains letters on African affairs addressed to either of the principal Secretaries of State (in 1754 letters addressed to Sir Thomas Robinson [Southern Department], in 1758 to Pitt [Southern], in 1776 to Lord Weymouth [Northern], in 1784 to Lord Sydney [Home]). In this series information as to the arrangements for the African campaigns of 1757 and 1782 may be found, and the steps leading to diplomatic action taken by the Crown on behalf of the African Committee are shown as the bringing of diplomatic pressure to bear on the Hague in 1772. This correspondence is therefore of great importance for the question of the place of the African settlements as a national interest.

In addition to the papers of the Secretaries of State which are in the Public Record Office, some of the collections among the Additional MSS. in the British Museum contain papers concerning African affairs. The papers of Thomas Pelham Holles, Duke of Newcastle, and those of the Yorke family, have occasional reference to African matters, and among the Egerton MSS. are two volumes of papers which were delivered to the Secretary " of the African and American Department " in 1779.

The papers of the Earl of Shelburne, which were reported on in the Third and Fifth Reports of the Historical Manuscripts

Commission, contain information as to the official attitude towards African affairs in the negotiations preliminary to the Peace of Versailles, and there is also in this collection a volume marked *Minutes of African Affairs* of which unfortunately no detailed table of contents is given.

CORRESPONDENCE OF THE PRINCIPAL SECRETARIES OF STATE (PLANTATION DEPARTMENT).

IN PUBLIC RECORD OFFICE.

		Class.	*Volume Number.*
Colonial Office List: "*Sierra Leone.*"			
Original Correspondence:	1750–1804	C.O. 267	5–22
		Volume 11 is a bundle of reports and plans of the forts made by a Surveyor of the Ordnance Board.	
Letter Books.			
Instructions, etc.	1750–1813	C.O. 268	2–6

IN BRITISH MUSEUM.

Additional MSS.

Newcastle Papers	33053
Hardwicke Papers	35906

Egerton MSS.

Papers on trade to Africa	1776	1162–A. & B.

PRINTED.

Historical MSS. Commission.

Lansdowne MSS.	Report V.	Appendix, p. 243.
	,, ,,	,, p. 248.

5. STATE PAPERS FOREIGN.

After the African correspondence of the Secretaries of State the correspondence of the Ambassador at the Hague is valuable. Sir Joseph Yorke's despatches in State Papers Foreign of Holland contain bulky and verbose memorials from the Dutch as well as his own views of the Anglo-Dutch Gold Coast quarrels. They are specially valuable for the years 1773–1774, and are important as showing the African settlements in European diplomacy. The State Papers Foreign and Foreign Office Papers are also essential for the treaties signed during the period, and for the preceding correspondence.

IN PUBLIC RECORD OFFICE.

State Papers Foreign :			
Holland, Vols. 534, 535, 538, 539, 542, 543		1772–1774	Sir Joseph Yorke.
Treaty Papers, Vol. 17		1748–1763	France.
Treaties, Vol. 123		1763, Feb. 15	Treaty of Paris, England, France and Spain.
Foreign Office Papers.			
Treaties	F.O. 93, 15–1	1783, Jan. 20	Preliminary articles of Peace.
France	,, ,, 15–2	1783, Sept. 3	Definitive Treaty.
France	,, ,, 26–1	1783, Sept. 2	Preliminary articles of Peace.
Holland	,, ,, 1A	1784, May 20	Treaty of Peace.
,,	,, ,, 1B	1788, Apr. 15	Treaty of offensive Alliance between Gt. Britain and Holland.

6. ADMIRALTY PAPERS.

As by Clause XXX of the Act of 1750 the officers in command of His Majesty's ships were empowered to inspect the forts, the despatches sent from such officers to the Admiralty contain valuable information as to the condition of the forts. The series "Captains' Letters" in the Admiralty Papers contains these reports, some of which are also in the Board of Trade Original Correspondence.

For the naval side of the campaign of 1782 the instructions to Captain Shirley and his despatches give the official account.

The instructions to captains charged with convoying vessels to Africa and their reports are also valuable, and there is, among the In Letters of the Secretary to the Admiralty, an important bundle of letters from the Committee of the Company and others entirely concerned with African affairs.

ADMIRALTY LIST, PUBLIC RECORD OFFICE.

	Class.	*Volume Numbers.*	
Captains' Letters :			
1750	Ad. 1	1888	From Capt. Howe
1781 & 82	,,	2485	,, ,, Shirley
1783	,,	2676	,, ,, Wickey
1789–92	,,	1988	,, ,, Inglefield
In Letters, Sec. :			
1721–1792	,,	3810	"From the African Company"
Out Letters :			
Secret Orders and Letters		1782	Ad. 2 1340 To Capt. Shirley
Orders and Instructions		1782	,, 113 ,, ,, Wickey

7. Ordnance Board Papers.

Among the sources of information the Ordnance Board's papers are valuable especially between 1759 and 1763, while Annamaboe fort was being rebuilt. The reports in these records are important as a confirmation of the Company's letters, as they show that the difficulties and dangers of coast life are not only found by officers in the Company's Service.

In the Public Record Office—War Office List.

		Class.	*Volume Number.*
Ordnance Board, Minutes . . .	1759–60	W.O. 47	54–56
In Letters, Africa and E. Indies . .	1759–63	,, 1	319

8. Records of Parliament.

As Parliament continuously took interest in the affairs of the African settlements, the Statutes at Large and the Journals of the Lords and Commons are throughout the period a source of information of which the value is patent.

In addition there are two printed reports of evidence given to a Committee of the House at the beginning of the nineteenth century on conditions of the African settlements which are an extremely valuable, almost a contemporary, source of information.

Statutes at Large.
Lords' Journals. Vols. XXV to XXXVII.
Commons' Journals. Vols. XXI to XLII.
Bills.
Parliamentary Reports. Sess. 1816, VII, B. Report on African Forts.
,, 1820, XII, ,, ,, ,,

II. CONTEMPORARY AUTHORITIES

Information on the subject of the English Gold Coast settlements in addition to that found in the sources already described is provided by a number of contemporary writings. The periodical publications of the day, such as the *Annual Register*, and various newspapers and magazines and directories contain information showing African affairs as seen by contemporaries. Among such records the Parliamentary Register and other reports of debates are of especial importance. There are also a number of descriptions of the coast and the forts there, written by travellers or traders which give the records of eye-witnesses

as to coast conditions. Of these a description of the Guinea Coast, written by John Bosman, who was for thirteen years in the Dutch Service, is the most valuable for the purposes of the present sketch, as his account shows the coast from the point of view of one who had long personal experience of residence there. For this reason his account, written at the end of the seventeenth century, is of greater value than that of Snelgrave, which was written in 1732, but is the record of one who visited, but did not live continuously on the coast. The account of the Gold Coast given in John Barbot's *Description of the Coasts of North and South Guinea* is chiefly taken from Bosman's account. Next to Bosman's description of the coast and the inhabitants, Meredith's *Account of the Gold Coast,* written in 1812, is of especial value, as Meredith was in the service of the Company of Merchants Trading to Africa, and his account gives detailed information as to the physical condition of the coast, and seems to have been written to show the possibilities of agricultural development there. Others of the Company's servants wrote accounts of the coast. Norris and Dalzell both wrote histories of Dahomey, but Dalzell's was clearly written to show the benefits to the native population of the Slave Trade, and for this reason has to be used with caution. Mungo Park's travels at the end of the century throw light on the hitherto unexplored hinterland of the Gold Coast, but do not add to the knowledge of the coast.

For the question of the machinery of the Company and the organisation and management of the forts by the Committee, the contemporary tracts, pamphlets and treaties on commerce are valuable. Of the mass of eighteenth-century tracts and pamphlets on the African trade, those which are important for the present sketch lie within a distinctly limited period—the early eighteenth-century tracts on African trade were mainly concerned with the rival claims of free traders and those supporting the Royal African Company's claim. These tracts are important for the general arrangements leading to the organisation of 1750, but their main points were recapitulated in the papers laid before Parliament by the Board of Trade in 1749, and they are therefore not of special importance for the history after 1750. A more distinct division comes in the 'eighties of the century—after 1788 the tracts and pamphlets on the African trade are practically entirely concerned with the disputes between Abolitionists and Traders, in which the organisation of

the Company is little discussed. Between 1750 and 1788 the pamphlets on African trade are comparatively few, but all give valuable information as to the condition of the Company's organisation. The question of the adequacy of the Company's organisation for the purposes of developing the trade is fully discussed in these pamphlets. Of the writers of pamphlets a number are anonymous, but John Hippisley and Malachy Postlethwayt are among the well-known pamphleteers. John Hippisley was an officer in the Company's Service, and his essays, published in 1764, contain an interesting expression of the opinion of those in the African Service as to the means necessary for the maintenance of the English settlements.

Among the writers on commerce of the day Malachy Postlethwayt collected considerable information as to the European trade to Africa, and his *Dictionary of Commerce* provides useful additions to the *Dictionnaire Universel de Commerce* of Savaray des Bruslons, on which it was based. Anderson's *History of Commerce* gives a contemporary chronicle up to 1762 for commercial events which is valuable, as is its continuation in Macpherson's *Annals of Commerce.* The fullest outline of the Company's organisation as established in 1750 is given by Adam Smith.

CONTEMPORARY AUTHORITIES.

	Date.
Anderson, A.: History of the Commercial Interests of the British Empire	1764
Barbot, J.: Description of the Coasts of North and South Guinea. (Churchill's Voyages, Vol. 5)	1732
Beawes, W.: Lex Mercatoria	1761
Bosman, W.: A New and Accurate Description of the Coasts of Guinea	1705
Dalzell, A.: History of Dahomey	1793
Edwards, B.: History of the West Indies	1793
Macpherson, D.: Annals of Commerce, Vols. III & IV	1805
Meredith, H.: Account of the Gold Coast	1812
Norris, R.: Memoirs of the Reign of Bossa Ahadee	1789
Park, Mungo: Travels in the Interior Districts of Africa	1799
Postlethwayt, M.: Dictionary of Commerce (2nd edition)	1774
Savary des Bruslons: Dictionnaire Universel de Commerce (3 tom.)	1723
Snelgrave, W.: Account of Guinea	1754
Smith, A.: Wealth of Nations	1776
Wadstrom, C. B.: Essay on Colonisation	1794

Periodical Publications.	Date.
History, Debates and Proceedings of both Houses of Parliament, 1743–1774	1792
Parliamentary Register, 1774–1813	1775, etc.
Parliamentary History, Cobbett's	1806, etc.
Cavendish: Debates during the 13th Parliament	1841
Annual Register: Continuous references, also special notices, Vols. 5, 6, 7, 26, 30	1758, etc.
Gentleman's Magazine: Vols. 23, 25, 27, 43, 52, 58, 59, 60	1758, etc.
Grand Magazine: Vol. I	1758
North Briton: No. 35, Jan. 28, 1763	1763
Royal Kalendar: For years 1767–1777	1767, etc.

Tracts and Pamphlets.

The following press marks are from the British Museum Catalogue:

African Trade: Considerations on the Present Peace Relative to the Colonies and African Trade (104, h. 65)	1763
African Trade: The African Trade, the Great Pillar and Support of the British Plantations (601, i. 6)	1758
African Trade: The National and Private Advantages of the African Trade (T. 806 [3])	1746
African Trade: Treatise on Trade to Africa (104, h. 52)	1772
Hippisley, J.: Essay (T. 1136 [1])	1764
Persin: Present State of the British and French Sugar Colonies Considered (104, i. 86)	1740
Postlethwayt, M.: In Honour of the Administration (8245, f. 4)	1758
Roberts, J.: State of the British Forts on the Gold Coast (T. 1136)	1778
Roberts, J.: Cursory Observations on the African Trade (T. 927 [6])	1778
West Indies: The Alarm Bell. Considerations on the Present Dangerous State of the Sugar Colonies (T. 13 [4])	1749

III. LATER AUTHORITIES

Later works are divided into those directly bearing on the subject and those in part concerned with the subject.

Of monographs on the English settlements on the Gold Coast, apart from guides and descriptive books to which an historical survey is frequently attached, Mr. A. B. Ellis's *History of the Gold Coast*, published in 1893, and Mr. Walton Claridge's two volumes published in 1910 on the *History of the Gold Coast* are the most important. The value of both these works, however, lies rather in the account given by them of the nineteenth-century development during and after the Ashantee wars than

in their treatment of the eighteenth century, which in both cases is brief, and neither Mr. Ellis nor Mr. Claridge describes the organisation of the English establishments.

Of histories of the English settlements in West Africa, Sir Charles Lucas's volume in the *Historical Geography of the British Colonies* series is a valuable survey of European development on the Coast.

For the history of the development of the native kingdoms a *History of the Gold Coast*, written by Rev. C. C. Reindorf, a native pastor of the Basel Mission on the Gold Coast in 1895, contains an interesting account of events on the Coast told by a native. The author describes his work as " based on traditions and historical facts." For native history which is still based on tradition his book has considerable value.

While little has been written about the English settlements on the Gold Coast in the eighteenth century, there is a long list of works on matters bearing on the subject. The Slave Trade has been described among others by Clarkson, Bandinel, Raynal, Benezet and Huene, but not only are these works written to prove their author's point, but they hardly touch the question of the European settlements on the African Coast, and are in general concerned with the capturing of the slaves, their transport and subsequent treatment in the West Indies and America. These books have been found of little value for the present subject, and will not be included among the list of authorities.

For modern descriptions of the natives and native customs, the *Journal of the African Society* has valuable articles, and Miss Kingsley's volumes and those of Mr. A. B. Ellis give accounts of the coast dwellers by writers who had personal acquaintance with them.

Of modern works on the organisation of the European trade settlements, Bonnassieux's book on *Les Grandes Compagnies de Commerce* needs mention, but for the English Company of Merchants is negligible in value, as Bonnassieux asserts that in 1765 the Company ceased to exist (*op. cit.*, p. 95). For the position of the English rivals the volumes by Messieurs Lannoy et Vanderlinden on *L'Histoire de l'Expansion chez les Peuples modernes* are invaluable. The description of the Dutch Company is given in a clear scheme, and the value of the book is increased by frequent references to the authorities on which it is based. It is to be regretted that the volume on French expansion has not yet been published. Mr. Scott's work on English Joint

Stock Companies alludes to the Company of Merchants, but both by date and the nature of the Company it lies outside the scope of his volumes.

The years 1750–1786 were a period of so frequent changes in ministries that to discover the attitude of the leaders in the Home administration to African affairs the biographical sketches of a number of ministers have to be consulted. Fitzmaurice's *Life of Shelburne* is disappointingly barren of references to African affairs, and the lives at present available of Lord George Germaine, Lord North, the Earl of Halifax, the Earl of Dartmouth and other Presidents of the Board of Trade give no place to African concerns. Miss Hotblack's book on *Chatham's Colonial Policy* is an exception to the general rule, containing a valuable chapter on African affairs for which the Company's records have been used. By the time of the younger Pitt the interest in the African trade was centring on the abolition question, and in Professor Holland Rose's *History of Pitt and the National Revival* the question is treated from that point of view.

For the general history of the eighteenth century, of which the subject of the present sketch forms part, Lecky's work is still the indispensable authority.

LATER WORKS.

Histories of the Gold Coast.

	Date.
Claridge, W.: History of the Gold Coast and Ashantee (2 Vols.)	1915
Ellis, A. B.: History of the Gold Coast of West Africa	1893
Reindorf, C. C.: History of the Gold Coast and Asiante	Basel, 1895

Works of which a Part refers to the Subject.

Bonnassieux, P.: Les Grandes Compagnies de Commerce	Paris, 1892
Cruickshank, B.: Eighteen Years on the Gold Coast	1863
Hotblack, K.: Chatham's Colonial Policy	1917
Johnston, H.: Colonisation of Africa by Alien Races	1913
Journal of the African Society: Nos. 12, 13, 27, 28, 33, 40, 50, 52, 55, 59	1904, etc.
Lucas, C. P.: West Africa. Historical Geography of the British Colonies	1899
Lannoy and Vanderlinden: Histoire de l'Expansion chez les Peuples modernes	Bruxelles
Tom. 1, Portugal et Espagne	1907
Tom. 2, Neulande et Danemark	1911

MOCKLER-FERRYMAN: British West Africa . . . 1893
[Is not in the British Museum, but there is a copy in the Colonial Institute Library.]
PEYTRAUD, L.: L'Esclavage aux Antilles Françaises . 1897

IV. OTHER WORKS

ATCHLEY, C.: West Indies: Historical Geography of the British Colonies, II 1905
BEER, G. L.: The Old Colonial System . . . 1912
BEER, G. L.: British Colonial Policy 1907
BLOK, P.: History of the People of the Netherlands . 1895
CARR, C. T.: Select Charters of Trading Companies (Selden Society, Vol. 28) 1913
CORBETT, J.: England in the Seven Years' War . . 1907
CAUSTON and KEANE: Early Chartered Companies . 1896
CLOWES: History of the Royal Navy (Vols. III & IV, 1788–89).
CUNNINGHAM, W.: Growth of English Industry and Commerce 1905
DAUBIGNY, E.: Choiseul et la France d'Outre-Mer . 1892
DUBOIS, W. P.: The Negro 1915
DENNETT, R. E.: At the Back of the Blackman's Mind . 1906
EGERTON, H. E.: British Colonial Policy . . . 1913
ELLIS, A. B.: Land of Fetish 1883
ELLIS, A. B.: West African Sketches 1881
ELLIS, A. B.: The Tshi-speaking Peoples of the Gold Coast 1887
FITZMAURICE: Life of Shelburne (3 Vols.) . . . 1875–1876
GRANT and MUNRO: Introductions to Acts of the Privy Council Colonial 1908–1912
HERTZ, G. B.: The Old Colonial System . . . 1904
HERTZ, G. B.: British Imperialism in the Eighteenth Century 1908
HERBERTSON and HOWARTH: Oxford Survey of the British Empire, Vol. III, Africa 1914
HOTBLACK, K.: The Peace of Paris (Alexander Prize Essay, 1907).
HAYFORD, C.: Gold Coast Native Institutions . . 1903
HAKLUYT, R.: Principal Navigations: (Maclehose, VI and VII) 1903–1905
KINGSLEY, M.: West African Studies 1901
KINGSLEY, M.: Travels in West Africa 1897
KELTIE, J. S.: Partition of Africa 1895
LECKY, W.: History of England in the Eighteenth Century 1878
LEROY-BEAULIEU, P.: De la Colonisation chez les Peuples modernes . . . . . Paris, 1891
LEVI, L.: History of British Commerce . . . 1872
LAVISSE: Histoire de France . . . . Paris, 1910, etc.

LAVISSE and RAMBAUD: Histoire Générale . . . Paris, 1901
MAHAN, A. T.: Influence of Sea Power on History . 1890
MAY, T. ERSKINE: Constitutional History of England . 1912
PITMAN, F. W.: The Development of the West Indies (Yale Historical Publications, 4) 1917
ROSE, J. H.: Pitt and National Revival . . . 1911
SCOTT, W. R.: Constitution and Finance of English, Scotch and Irish Joint Stock Companies to 1720 . 1910–1912
THACKERAY, F.: History of W. Pitt (2 vols.) . . 1827
WHITWORTH, C.: Public Accounts of Services and Grants . 1771
WHITWORTH, C.: Collection of Supplies 1765
WILLIAMS, B.: Life of William Pitt 1913
ZIMMERMAN, A.: Die Europæischen Kolonien . . . Berlin, 1898
ZOOK, G. F.: Company of Royal Adventurers Trading to Africa 1919

On Materials.

ANDREWS, C. M.: Guide to Materials for American History to 1783 in the Public Record Office . . . 1912
DAVENPORT: Material for English Diplomatic History, 1709–1783 (18th Report, Hist. MSS. Commission) . 1917
JENKINSON, H.: The Records of the English African Companies. Transactions of the Royal Hist. Society, Series III, Vol. VI 1912
NEWTON, A. P.: The Papers of the African Company . 1914

V. MAPS, PLANS, AND SKETCHES

There is a large number of contemporary maps of the Gold Coast, of which the British Museum has an excellent collection. Of these the works of the French Geographer, le Sieur d'Anville, were generally accepted as the model on which others based their maps.[1]

There are also, in Barbot's description of Guinea, illustrations which show the general appearance of the Coast from the sea, and among the Additional MSS. there are some beautifully drawn Dutch maps and views of the Dutch forts, which give a less flattering idea of Elmina than might be gathered from travellers' accounts.

Among the Colonial Office Papers there is a series of plans and reports of the English forts made by an Ordnance Officer in 1756–7.

[1] Major Rennel, editor of *Geographical Notes*, attached to 1799 edition of Mungo Park's *Travels*, says: "We must regard the geography of Monsieur d'Anville as the most perfect of all, previous to the enquiries made by the African Association."

Other plans may be found in the British Museum in a volume of *Drafts of Guinea*, by a Surveyor of the Royal African Company.

In the Public Record Office.

C.O. 267/11. Plans of the Gold Coast Forts with the Surveyor's Report. Drawn up by Justley Watson, 1756–7.

In the British Museum.

Anville: Carte particulière de la Guinée 1729
Anville: Guinée entre Sierra Leone et le passage de la Ligne avec une carte particulière du Côte d'Or 1775
Anville: Afrique par le Sieur d'Anville (4 feuilles) . . . 1749
Bennett, R.: Africa according to the Sieur d'Anville . . 1760
Boulton, S.: Africa enlarged from d'Anville's map . . 1787
Hinton, J.: Map of Coast of Africa 1757
Schneider and Weigel: Afrika entwerfen in 1794.
Smith, W.: Thirty Different Drafts of Guinea . . . 1740
Smith, W.: A new and correct Map of the Coast of Africa . . 1744
Vaugondy, R.: L'Afrique 1767
Africa: West Coast:
Map for M. Postlethwayt's Dictionary of Commerce—With Explanatory Notes of all the Sorts and Settlements . 1753
A New and Accurate Map of the European Settlements on the Coast of Africa 1770
A New and Accurate Chart of the Coast of Africa comprehending the chief European Settlements 1780
Additional MSS. 33976:
Maps by Joan Vingboons.

INDEX

Abingdon, Lord. *See* Bertie, Willoughby.
Abū'l-Fazl, historian 83.
Adams, George Burton, on the King's Council, 68 *n*.
Afghanistan, attitude of, towards Britain, 73; independence of, 86, 96; war against the Kafir declared by, 85.
Africa, West, the English settlements in, Act of 1750 regarding, 171; establishment of a company of merchants trading to, 171–2; extent of, 169–71; lack of research concerning the eighteenth century history of, 167–9; value of, 169–71.
Agarde, Arthur, archivist, 65.
Aleppo, 5, 9.
Alexandria, 9.
Algiers, 10.
Ali Pasha, Turkish high admiral, 7.
Aligarh, 90.
Aman, 9.
Anderson, Adam, 202.
Anglesea, Isle of, 156.
Annamaboe (fort), 200.
Antonio, Gio, Spanish ambassador to Constantinople, 22–23.
Arcot, influence of the East India Company in, 89; payment of revenue to the Nawab of, 79.
Arkwright, Sir Richard, 107, 119.
Arundel, Sir Matthew, 162–3.
Ashantees, the increase in the power of, 185.
Ashley, Sir Henry, 158, 162.
Ashton-under-Lyne, 33.
Asshewell, John de, 42.
Aurangzēb, Mughal Emperor, conquest of India by, 84; death of, 71; war with John Child, 78.

Bahādur Shāh II, Mughal Emperor, claim by British Government to suzerainty over, 89; conversion of, 85; deposition of, 74; pension of, 81; relations to the British Government of, 95; to the East India Company, 74–5; to Persia, 85–6; refusal to leave Delhi, 99; stoppage of revenue to, 80; trial of, 75–7, 82, 86, 100.
Baldwin, James Fosdick, 68.
Barbot, John, 201, 207.
Barnstaple, 160.
Barton, Edward, British ambassador to Constantinople, 10, 19.
Bath, 32.
Bath, Earl of. *See* Bourchier, William.
Bayham, Joan de, 44; Roger de, 44.
Beccaria, Cesare, 127.
Bedford, Earl of. *See* Russell, Francis.
Bengal, 79, 88, 93, 97–8.
Berlin Decrees, the, documents relating to, 135.
Bertie, Willoughby, Earl of Abingdon, 128.
Bettenham, Emma de, 43; Thomas de, 43.
Beverley, 46.
Bewdley, 117.
Bihar, 93.
Birmingham, 105, 110–15, 118.
Blaykeston, Roger de, 40–41.
Blot, John, 23.
Bolland, William Craddock, on the value of the Year Books, 28–9, 35 *n*, 45.
Bombay, 78, 95.
Bonaparte. *See* Napoleon I.
Boniface, Archbishop of Canterbury, 56.
Bonnassieux, Pierre, 204–5.
Bosman, John, 184, 201.
Bourchier, William, Earl of Bath, 164–5.
Bracton, Henry de, his *Note Book*, 67–68.

Bradford, 109.
Bristol, 116, 160, 172, 192.
Brooke, Robert, 63.
Brumley, William de, 39–40.
Bryan, Sir Thomas, chief justice, 53.
Burgh, William, 112.
Burke, Edmund, and the question of parliamentary reform, 114, 130; editor of the Annual Register, 145; on industrial conditions, 123–4; on trade with Africa, 173, 189.
Burleigh, Lord. *See* Cecil, William.
Bygod, Hugh le, 56–7, 60; Roger le, 61.

Cairo, 9.
Cam, Helen M., 64.
Camden, William, on alchemists, 38.
Camplin, Richard, 183 *n.*
Canning, George, and India, attempts to tamper with the succession to the Mughal Empire made by, 75, 85, 99–100.
Canterbury, 56.
Cape Coast Castle, 174, 183, 185, 188.
Carey, Henry, Lord Hunsdon, lieutenant of Suffolk, 166.
Carlisle, 40.
Cartwright, John, 105–6, 112, 127–8.
Catherine II, Empress of Russia, declaration of armed neutrality issued by, 142; relations with Sir James Harris, 141.
Cavendish, William Henry, Duke of Portland, 120.
Cecil, William, Lord Burleigh, 2, 162.
Chalmers, George, on treaties, 144.
Chancery, the Court of, cases tried in, 48.
Chatham, Earl of. *See* Pitt, William.
Chaucer, Geoffrey, probable origin of his *Canon's Yeoman's Tale*, 39.
Chaungeour, Adam, 39.
Chaupeneys, John, 41.
Cheshire and the worsted industry, 119.
Child, John, 78.
Chimney, Toby, 27.
Clarendon, Lord. *See* Villiers, George.
Claridge, Walton, on the history of the Gold Coast, 190, 203–4.
Clarkson, Thomas, 204.
Clement, Henry, 67.
Clements, Joseph, 3–4.
Clive, John, 93–4.
Cockayne, Sir Thomas, 162.
Cockburn, Captain, 177.
Common Pleas, the Court of, value of the records of, 47, 70.
Constantinople, embassy of William Harborne to, 2, 6, 19, 24; price of living in 1584 at, 12.
Cooper, Thomas, 130.
Cornwallis, Charles, Earl, governor-general of India, policy of, 88–9.
Courts at Westminster, the, records of cases tried in, 40–5.
Coventry, 122.
Crok, John, 34–5.
Crompton, Samuel, 107.
Curia Regis, records of the, 62, 66, 67, 70.

Dalhousie, Lord. *See* Ramsay, Fox Maule.
Dalzell, Archibald, 201.
Damascus, 5, 9.
D'Anville, le Sieur, geographer, 207.
Daunay, William, case of, 40, 41, 44.
Davison, William, Secretary of State under Elizabeth, 2.
Debrett, John, editor of State Papers, 146–7.
Decaen, General, 90.
Deccan, The, 79, 88, 96.
Deiser, G. F., on the Year Books, 63.
Delhi, 71–2, 77, 83, 87, 90, 92, 94, 97–9.
— King of. *See* Bahādur Shāh II.
De Martens, Charles, on treaties, 144, 148.
Denham, William de, 50.
Deputy-Lieutenant, comparison between the position of Lieutenant and, 155; connection with local administration of the, 150; date of the origin of office of, 153–5; effect of the Spanish Armada on the position of the, 164–6; method of appointment of the, 154–5; places exempt from the jurisdiction of the, 156–7; reasons for the creation of the office of the, 150–2; relations with other officials of the, 162; work allotted to, 152–3, 157–64.
Derby, Earl of. *See* Stanley, Edward Smith.
Despenser, Hugh le, justiciar, 56, 61.
Devereux, Robert, Earl of Essex, 160.
Devizes, 117.
Dodsley, James, publisher, 146.
Dodwell, Henry H., 79 *n.*
Doniol, Henri, 149.
Dounebrigge, William de, 42–3,

Dumont, Jean, 144–5, 147.
Dunk, George Montagu, Earl of Halifax, 175.
Duperron, Anquetil, 73.
Dyer, Andrew, 10.
— George, 129.

East India Company, the, effect of Lord Ellenborough's Act on the position of, 84; financial affairs of, 94; increase in the power of, 89; invasion of Oudh by, 72, 85, 98; mismanagement of affairs by, 80–1; payments made by, 12; policy of, 80–1, 86, 89, 96–7, 99; position of, 73–4; relations with Bengal of, 80; with Madras, 78–9; with the Mughal Empire, 71, 74–5, 78, 82, 93, 95–6; triumph of, 88.
Economical Reform, the movement for, 103, 106.
Edward I, King of England, writs for the Parliament issued by, 59.
Edward III, King of England, alchemist employed by, 37–40.
Edward IV, King of England, precedent for the appointment of judges provided by, 54.
Egmore, 78.
Elizabeth, Queen of England, deputy-lieutenants in the reign of, 163–4; formation of the Turkey Company by, 7; expenses of Sir William Harborne paid by, 6; negotiations with the Sultan made by, 5–6, 10; parsimony of, 11.
Ellenborough, Lord. *See* Law, Edward.
Ellis, Alfred Burdon, 203–4.
Elphinstone, Mountstuart, governor of Madras, 87.
Ely, Isle of, 156, 161.
Enclosure movement, results of the, 124–5, 130.
England, Kings of. *See* Edward I, Edward III, Edward IV, Henry III, Henry VII, Richard III.
England, Queens of. *See* Elizabeth, Mary, Victoria.
—— Lieutenants of. *See* Deputy-Lieutenants.
Essex, Earl of. *See* Devereux, Robert.
Evesham, 117.
Exchequer, Court of, cases in, 60.
Exeter, 115.

Fairfax, Sir Guy, justice of the King's Bench, 53.
Faqīr ud dīn, Mughal Emperor, 99.
Fielding, Henry, 115.
Fillaccio, Gio, Florentine ambassador to Constantinople, 20.
Finchden, Justice, 49.
Fitch, Ralph, mission to India of, 3 *n.*
Fitzherbert, Anthony, 48, 63.
Fitzmaurice, Lord Edmund G., 205.
Flood, Henry, 104, 110.
Flower, Cyril T., 65.
Foljambe, Godfrey, 163.
Foljambe, Lady Constance, 163.
Forster, Richard, 9.
France, King of. *See* Henry III, Henry IV.
Frederick the Great, the political correspondence of, 137.
French Revolution, the, influence on the movement for parliamentary reform in England of, 102, 106.

Gambia, 169.
Gatton, 117.
Gautron de la Toure, 39.
Gerard, Henry, case of, 42–3.
Germaine, Lord George, 176.
Germigny, M. de, French ambassador to Constantinople, 6, 8.
Ghāzī ud dīn Haidar, Nawāb Wazīr, 72, 97.
Ghulām Qādir, the Rohilla, rebellion of, 72; ill-treatment of Shāh 'Ālam by, 88, 90.
Gold Coast, the English settlements on the, Act of 1750 concerning, 171–2, 176, 177; bibliography of sources relating to, 190–208; Coast service, 178–80, 183, 185, 187; difficulties of the life in, 186–7; disputes between English and Dutch traders in, 175–6, 183; extent of, 169; duties of Governor and Council of, 183, 186–8; establishment of a company of merchants to trade with, 171–7; form of government adopted by, 179; importance of the Navy to, 176–7; neglect of the study of, 167–8; physical drawbacks of, 170; relations with the natives in, 177, 181–2, 184–6; trade carried on by, 171–7, 181, 187–8.
Golkonda, fall of, 79.
Grant-Duff, Sir Mountstuart Elphinstone, 87.

Grey, Charles, 104.
Grey, Lady Jane, letter to the Marquis of Northampton from, 153.
Gross, Chas., 63.

Hackepenne, John, 33.
Haidar Alī, rising of, 71.
Haidarābād, influence of the East India Company in, 89; stoppage of revenue by the Nizām of, 80.
Hakīm Ihsān Ullah Khān, surgeon to Bahādur Shāh II, 98.
Hakluyt, Richard, account of Harborne's embassy to Constantinople as related in the *Voyages* of, 2, 4, 7, 9, 19.
Halifax, 108–9, 112.
Halifax, Lord. *See* Dunk, George Montagu.
Harborne, William, English ambassador to Constantinople, account of his mission as given by, 19–24; appointment of, 3; arrival at Constantinople of, 4, 6–7; birth of, 3; correspondence of, 2; death of, 27; diplomacy of, 10–11; epitaph to, 27; expenses of, 6; member of parliament, 3; organisation of the Turkey Company by, 9; position of, 11–2, 15; privileges allowed by the Sultan to, 4–5; reasons for retaining the office of Ambassador as expressed by, 16–19; recommendations concerning trade as given by, 25–6; retirement of, 27; services to the Turkey Company rendered by, 1; visit to the Sultan of, 7–9.
Hargreaves, James, inventor, 107.
Harman, Henry, 53.
Harris, Sir James, afterwards Earl of Malmesbury, *Diaries and Correspondence of*, 141–2.
Haslemere, 117.
Hastings, Francis Rawdon, Marquis of, governor-general of Bengal, 97.
Hastings, Warren, alliance with the Nawāb Wazīr made by, 97; antagonism towards, 73; withholding of the Bengal revenue by, 87, 94.
Hengham, Ralph, chief justice, 52.
Henry III, King of England, 58.
Henry VII, King of England, 53–5.
Henry III, King of France, 5.
Henry IV, King of France, 160.
Henry of Bath, 61.
Hertslet, Lewis, on Treaties, 144.
Hervey de Stanton, justice, 50.
Heydon, 117.
Higham, Sir John, 166.
Hippisley, John, governor of the Gold Coast, 187, 202–3.
Historical Research, aims of, 136; American State Papers, 136–7; Annual Register, 145–6; calendars of State Papers, 138–9, 143–4; collections of Treaties, 147; functions of, 132, 135; lack of arrangement in documents, 135, 139–48; published collections, 136–7, 144, 149; need for a bibliographical directory, 149.
Hobart, Sir John, 2.
Hody, William, 53.
Holles, Thomas Pelham, Duke of Newcastle, 197.
Hollier, William, 183 *n*.
Horn, Andrew, 49–50.
Horrocks, John, 120.
Horsey, Sir John, 158.
Hotblack, Kate, on Chatham's policy, 190 *n*, 205.
Hotone, John de, abbot, 44.
Howell, Matthew ap, 41.
Huddersfield, 109.
Hull, 109.
Humāyūn, Mughal Emperor, 82, 85.
Hunsdon, Lord. *See* Carey, Henry.
Hussey (Huse), Sir William, 53.

Ilchester, 117.
Industrial Revolution, the demand for legislation as a result of, 121–3; effect on the cloth industry, 108–9; coal industry, 124; cotton industry, 108; hardware industry, 109; hosiery industry, 108; lace industry, 108; worsted industry, 108; on enclosures, 124–5, 130–31; on the growth of population, 109; on the movement for parliamentary reform, 102, 107, 110–11, 118; *laissez-faire* policy, 120.
Iremonger, Joshua, 117.
Isham, Robert de, 39–40.

Jebb, John, 106.
Jenkins, David, reports on the Year Books by, 63.
Jenkinson, Anthony, 9.
Jenkinson, Hilary, 144, 190.
Jermyne, Sir Robert, 166.

Jerusalem, 9.
John of Norwich, goldsmith, 39–40.
John of Nottingham, necromancer, 35–6.
Judges, procedure with regard to the appointment of, as recorded in the Plea Rolls, 53–4.
Justices Itinerant, value of the proceedings of the, 49–51.

Kay, Robert, inventor, 107–8.
Kaye, Sir John William, 75.
Kele, William, 36–7.
Kent, 104.
Khalifah, the adoption by Mughal Emperors of the title of, 83–4; duties of, 84.
Khilāfat, the, meaning of, 84–5.
King's Bench, the Court of, cases tried in, 59–60; rolls of, 67–70; value of the records of, 47, 56–57, 59
Kingsley, Mary H., 204.
Knivet, Sir John, justice of the King's Bench, 34–5.
Knyghton, John, 41.

Laissez-faire policy, economic results of the, 120–5.
Lake, General, 90–2.
Lancashire, 107, 119.
Lannoy, Charles de, 204–5.
Launceston, 156.
Law, Edward, Earl of Ellenborough, governor-general of India, 81, 84, 86.
Lecky, William Edward Hartpole, 208.
Le Clerq, Jean, on treaties, 144.
Leeds, 112–4.
Le Neve, John, 65.
Lennox, Charles, Duke of Richmond, 106, 127–8.
Leominster, 117.
Levant, trade with the, 3.
Lewes, 56, 58.
Lightfoot, John, 45.
Liverpool, 109, 114–5, 172, 192.
Lloyd, Gamaliel, 110, 115.
Locke, John, on the poor, 127.
London and the movement for parliamentary reform, 103, 106, 111, and the silk industry, 121, and the trade with West Africa, 172, 192; exemption of, from the jurisdiction of the lieutenant, 157; historical value of the eyre of 1321, 49–51.
Lovell, Henry, 61.
Lucas, Sir Charles, 167, 204.
Lucknow, treaty of, 97.
Lully, Raymond, 38.

Macaulay, Thomas Babington, on Indian education, 73.
Macpherson, James, 73.
— David, 202.
Madras under the East India Company, 78–9.
Mahall, Zīnat, 100.
Mahon, Viscount. *See* Stanhope, Charles.
Mahrattas, the influence of, on the policy of the East India Company, 86–7; invasion of the Panjab by, 72, 85; policy of, 88; pro-Mughal tendencies of, 87; rebellion of, 74; treatment of the Emperor of Delhi by, 90.
Maitland, F. W., on the Year Books, 28–9, 31, 51, 67–8.
Malmesbury, 117.
Manchester, 105, 112–3, 115.
Manners, John, 162.
Manucci, Niccolao, 78.
Marillano, Gio, 22.
Mary, Queen of England, commissions of lieutenancy issued by, 154.
Meerut and the Indian Mutiny, 71.
Mellor (Lancashire), 123.
Melvil, Thomas, 187–8.
Meredith, H., 201.
Methelay, Thomas de, keeper of the rolls, 42.
Milan Decrees, documents relating to the, 143.
Miles, John, 33.
Miles, Richard, 187.
Mill, John Stuart, 73.
Millers, Henry, 9.
Milnes, J., 111.
Milnes, Pemberton, 110, 114.
Mīr Shēr 'Alī Afsōs, poet and historian, 95.
Mīrza Jawān Bakht, Mughal heir-apparent, 85.
Molesworth, Sir William, 148.
Monckton-Jones, Mary E., 81 *n.*
Montfort, Simon de, 58.
Mughal Empire, the, attitude of the governor-generals towards, 75; declared a British protectorate, 91, 95; doctrine of lapse, 96; fiction concerning, 86; identification of Bengal with,

88; importance of the Treaty of 1801 in the history of, 89; political authority of, 82; position of, 74; relations between the East India Company and, 71, 74; relations between Persia and, 82–83; suzerainty of, 89; threatened attacks upon, 88.
Muhammad 'Ali, Nawab of Arcot, 79.
Muhammad Rizā Khān, Na'ib Dīwān of Bengal, 80.
Muhammad Shāh, Mughal Emperor, 85.
Murad III, Sultan of Turkey, *farmān* granted to Harborne cancelled by, 6; letters from Queen Elizabeth received by, 10; negotiations with Queen Elizabeth made by, 5–6; privileges allowed to William Harborne by, 4–5; presents received by, 7; visit of William Harborne to, 7.
Murray, David, Viscount Stormont, 142.
Museum, British, MSS. in the, 95, 196–8, 208.
Mutford, Justice, 50.
Mutiny, the Indian, causes of, 78–80, 89, 96, 99–100; events leading up to, 72–8; meaning of, 71, 89.

NĀDIR SHĀH, King of Persia, 72.
Nānā Sāhib, 99.
Napoleon Bonaparte, correspondence of, 137; plans for invasion of India made by, 90.
Nele, Richard, 53.
Newton, Alfred Percival, 190.
Nizām ul Mulk, 72.
Norris, Robert, 201.
North, Frederick, Lord, Earl of Guildford, 113.
Northampton, Marquess of. *See* Parr, William.
Norwich, 115.
Nottingham, 115.
Novado, Patrone, 10.

OGDEN, JAMES, 113.
Omond, George W. T., 136.
Orders in Council, documents relating to the, 143.
Orissa, 93.
Osborne, Sir Edward, 3, 7, 10, 12.
Oudh, invasion of, 85; result of the annexation of, 85, 98; submission to the policy of the East India Company of, 89.
Oudh, Nawab of, assumption of the title of King by the, 97–8; conduct of, 85.
Owen, John Lewis, 161.
Oxford, parliament of (1258), 57.

PALEY, WILLIAM, 129.
Palmerston, Lord. *See* Temple, Henry John.
Pamppan, John, 32.
Panim Nakilā Ivanovitch, Count, 142.
Pānipat, battle of, 72, 76.
Panjāb, annexation of the, 96; invasion of the, 72, 85.
Park, Mungo, travels of, 201.
Parker, Sir Philip, 100.
Parliamentary Reform, arguments for, 126–7, 129–30; Belchamp's suggestion concerning, 110–1; Cartwright's address on, 112; causes of the movement for, 101–2, 115, 130–1; Chatham's movement for, 102–3; date of the origin of the movement for, 102; effect of the development of trade on, 118–9; effect of the growth of population on the question of, 111, 130; efforts of manufacturers to obtain, 116–7, 120; indifference of industrial areas towards, 112–4; influence of enclosures on the demand for, 125, 130–1; influence of foreign literature on the movement for, 128; of radicalism, 105–7, 111–2, 117, 129–30; of the war of American independence, 102, 104; Kent petition for, 104; London and the movement for, 106; part played by social and economic changes in the movement for, 120–1, 130–1; Pitt's motion for, 104, 110–1, 113; Richmond's motion for, 106; Society for Constitutional Information advocates, 118; Wilkes' movement for, 105, 112; Wyvill's efforts for, 111, 113; Yorkshire petition for, 103–4, 110–1, 113–5.
Pelham, John de, 42.
Persia, intended invasion of England by, 90; reasons for the intervention in Indian affairs of, 85; relations between the Mughal

Empire and, 71–2, 76, 82–3; war with England (1856–7), 86.
Peterborough, Soke of, 156.
Petty, William, Earl of Shelburne, 102, 128.
Phillips, George, 113, 127.
Phillip II, King of Spain, 5, 164.
Pike, L. O., on the value of the Year Books, 28, 30 *n*, 59, 66.
Pitt, Thomas, 78.
Pitt, William, Earl of Chatham, attempts at parliamentary reform made by, 102–3, 111; letters on African affairs addressed to, 197.
Pitt, William, the younger, fustian tax introduced by, 119; attempts at parliamentary reform made by, 110–1, 113, 117.
Plassey, battle of, 76.
Plea Rolls, the, as sources for constitutional history, 31, 55–9, 69; for political history, 31–2; for social history, 37–40, 43–5, 65; for the life of the Courts, 40–4; bibliography relating to, 64–70; case of retinue, 32–3; dower, 33; magic, 36–7; sorcery, 34; the Bishop of Manchester, 59; usury, 48; witchcraft, 35–6; connection between the Year Books and, 30–1; records of actions under the Statute of Labourers found in, 48–9; of the employment of alchemists, 37–40; of recruiting during the Hundred Years' War, 43–4; of sessions at Canterbury, 56; at Lewis, 56–8; value of, 30–2, 45, 51.
Poirier, Samuel, 183 *n*.
Pole, Edmund de la, Earl of Suffolk, 44.
Pollard, A. F., on the value of the Year Books, 29
Portland, Duke of. *See* Cavendish, William Henry.
Portsmouth, 117.
Postlethwayt, Malachy, on African trade, 170, 202–3.
Powell, Edgar, 46 *n*.
Price, Kadwalador, 161.
Priestley, Joseph, 111, 128.
Public Record Office, African Company's records in, 190, 195, 197–200, 208.
Pursewaukam, 78.
Putnam, Bertha Haven, on the Statute of Labourers, 48–9, 64.

Radicalism, development of, 105; origin of, 102.
Ramsay, Fox Maule, Earl of Dalhousie, 84.
Rapamat, official residence of William Harborne, 9.
Rebellion of 1381, the, sources for the history of, 31–2.
Record Commission, publications of the, 66–7.
Rede, John, serjeaunt, 41 *n*.
Register, the Annual, historical value of, 145.
Register, the new Annual, historical value of, 146.
Reindorf, Rev. Carl Christian, 204.
Rennel, Major, 207 *n*.
Richard III, King of England, 54.
Richmond, Duke of. *See* Lennox, Charles.
Rigg, James McMullen, calendar of the Plea Rolls by, 66–7.
Robert le Mareschal, 36.
Robert of Wulghes, 33.
Robinson, Sir Thomas, Secretary of State, 197.
Rochester, 117.
Rockingham, Lord. *See* Wentworth, Charles Watson.
Rogers, Sir Richard, 158.
Rolle, Henry, 63.
Rose, John Holland, on Pitt, 205.
Rotherham, 112.
Rousseau, Jean Jacques, visit to England of, 128.
Rowe, Sir Thomas, 1, 3, 7.
Rus, Robert, 45.
Rutherfoord, T., 183 *n*.
Rymer, Thomas, his *Fœdera*, 144.

Sā'adat 'Alī Khān, Nawāb Wazīr of Oudh, 89.
St. Germain-en-Laye, treaty of, materials for the study of the, 147–8.
St. Thomé, Moorish possession, 78.
Saiyid Rizā Khān, Minister of Shāh 'Ālam II, 91.
Satow, Sir Ernest, on Frederick the Great, 137.
Saunders, C. B., Commissioner of Delhi, 89–90.
Savaray des Bruslons on commerce, 202.
Sayer, Thomas, 42.

Scott, William Robert, on Joint-Stock Companies, 204–5.
Selden Society, the, publications of, 63, 66.
Senegambia, establishment of the province of, 195.
Shaftesbury, 117.
Shāh Akbar, Mughal Emperor, bribe offered to, 99; rejection of Persian overlordship by, 83; religious zeal of, 76.
Shāh ʿĀlam, Mughal Emperor, attitude towards the Mahrattas of, 87–8; farmāns issued by, 91–2; powers given to, 90; return to Delhi of, 94; status of, 95.
Shareshull, William de, 36.
Sharp, Granville, 105.
Sheffield, 112, 115.
Shelburne, Earl of. *See* Petty, William.
Shirley, Captain, 199.
Shrewsbury, Earl of. *See* Talbot, George.
Shuchirch, William, Canon, 39.
Sierra Leone, projected colony of negroes at, 168.
Simond, Thomas, 40.
Sind, reconquest of, 96.
Sindia, Daulat Rāo, Mahratta prince, 74, 87–92, 94.
Sivājī, the Mahratta, rebellion of 1670 by, 87.
Slave trade, 204.
Smallcombe, Rowland, 36.
Smith, Adam, 202.
Snelgrave, William, on the history of the Guinea Coast, 201.
Society for Constitutional Information, the, 105–7, 112, 118.
Sonnings, Romaine, 10.
Soule, C. C., 63.
Spain, King of. *See* Philip II.
Stanhope, Charles, Earl Stanhope and Viscount Mahon, 128–9.
Stanhope, Philip Henry, Earl of, 105, 128.
Stanley, Edward Smith, Earl of Derby, 120.
Staper, Richard, 3, 10.
Starkey, Sir Humfrey, 53.
Statute of Labourers, 48.
Stefano, Gio, 23.
Stormont, Lord. *See* Murray, David.
Strangwayes, John, 158.
Suffolk, Earl of. *See* Pole, Edmund de la.
Sultan of Turkey, the. *See* Murad III.
Sulyard, John, 53.
Sydney, Lord. *See* Townshend, Thomas.

Tahmasp, Shah of Persia, 82.
Talbot, George, Earl of Shrewsbury, 163.
Talbot, Gilbert, 60.
Talleyrand, Alexander, Baron de, 137.
Tandore, township of, 78.
Tanner MSS., the, relating to William Harborne's mission to Constantinople, 13, 19–21.
Taunton, strike of weavers at, 121.
Temple, Henry John, Lord Palmerston, 136.
Temple, Richard Grenville, 102.
Thomas of York, case of, 38 *n.*
Thomson, Captain, 177.
Thorn, 94.
Thynne, Thomas, Marquis of Weymouth, Secretary of State, 197.
Tipton, British consul at Algiers, 10.
Tīpū Sāhib, death of, 89; rising of, 71–2, 87; treaty between East India Company and, 88.
Touneshend, Roger, 53.
Touneshend, Thomas, Viscount Sydney, Secretary of State, 197.
Tout, Thomas Frederick, 55 *n.*
Tripoli, 5, 9–10.
— Bey of, 10.
Tunis, 5, 10.
Turkey Company, the, breach of the capitulations granted to, 10; demand for an ambassador to be sent to Constantinople by, 6; financial position of, 12; affairs of, organised by Wm. Harborne, 9; reasons for the formation of, 1.
Turner, George J., on Year Books, 63.
Twiss, Sir Travers, 67–8.
Tyrwhitt, Robert, on Chaucer's *Canterbury Tales*, 38–9.

Utrecht, treaty of, 147–8.

Vanderlinden, Hermann, 204–5.
Verelst, 73.
Victoria, Queen, of England, as a vassal of the Mughal Emperor, 81; as Empress of India, 100.

Villiers, George William Frederick, Earl of Clarendon, 136, 139, 148.

Wakefield, effect of the industrial evolution on, 108–9.
Walden, John de, 38.
Walker, Thomas, 115.
Walpole, Horace, 116.
Walsingham, Sir Francis, Secretary of State, 2–3, 5.
Wellesley, Richard Colley, Marquis Wellesley, governor-general of India, difficulties of, 90–1; policy of, 91; refusal to visit the Mughal Emperor of, 96; relations of, with Shāh 'Ālam, 92–3.
Wentworth, Charles Watson, Marquis of Rockingham, 110.
Weston, Philip de, 38.
Weymouth, Lord. *See* Thynne, Thomas.
Wigan, 120.
Wilkes, John, 105, 117, 126–7.
William of Preston, 61.
Winchester, John de Stratford, Bishop of, 59–60.
Wingfield, Sir Anthony, 166.
Wootton Basset, 117.
Wortley, Gervase, 36–37.
Wright, John, 3.
Wyvill, Christopher, 110–1, 113–4.

Year Books, the, as sources of information concerning constitutional history, 52; ecclesiastical history, 47; economic history, 47; mediæval law, 30, 47, 52; bibliography relating to, 63; connection between the Plea Rolls and the, 30–1; contents of, 29; Parliamentary antiquities, 60; records of actions under the Statute of Labourers, 48–9; case of retinue, 32–3; dower, 33; sorcery, 34; the Bishop of Winchester, 59; the Prior of Rochester, 60; Usury, 47–8, value of, 25, 31–2, 45, 51–2.
Yorke, Sir Joseph, English ambassador to the Hague, negotiations with the States General concerning African trade carried on by, 145, 175–6, 198.
Yorkshire petition, the, 103.

Zamān Shāh, Amir of Afghanistan, 72.
Zepeswych, Geoffrey, 36.

REPORT OF THE COUNCIL, SESSION 1920–21

THE Council of the Royal Historical Society have the honour of presenting the following Annual Report to the General Meeting of the Fellows.

The past year has been marked by some important changes in the *personnel* of the Officers, and in the constitution of the Council of the Society. Sir Charles Oman, M.P., retired from the Presidency at the end of his four years' term. The Society owes a great debt of gratitude to its retiring President for his exertions on its behalf and on behalf of historical studies generally, and for his eloquent and instructive Presidential addresses, illuminated with flashes of humour not always found in association with learning. One suggestion made by Sir Charles Oman, the providing of a medal of worthy design, which could be bestowed by the Society in recognition of services to History, has not yet been carried out. Such a provision is chiefly a question of finance, and no pious benefactor has yet come forward to help the Society in this scheme.

The Hon. J. W. Fortescue, C.V.O., LL.D., was elected President on Sir Charles Oman's retirement.

Mr. Foster Palmer, who has been for many years Auditor for the Fellows, was compelled by age and ill-health to retire. Mr. Charles Johnson, M.A., has been elected in his place. The thanks of the Society were communicated to Mr. Foster Palmer for long and zealous service. The Council have since heard with deep regret that his death followed shortly upon his retirement.

The Assistant Secretary and Librarian, Miss Curran, has given up the Secretaryship of the Historical Association. Henceforth her valuable services will be devoted solely to the Society. The double work was too onerous for one person, and the new arrangement will, it is confidently expected, be an improvement.

At the Annual Meeting, February 10, 1921, the Vice-Presidents retiring in rotation under By-law XVII. were the Hon. J. W. Fortescue, C.V.O., LL.D., and Mr. R. G. Marsden, M.A. The

latter was re-elected. In place of the Hon. J. W. Fortescue, elected President, Mr. G. P. Gooch, Litt.D., was elected a Vice-President.

The members of Council retiring in rotation under the same By-law were Professor H. E. Egerton, M.A., Mr. G. T. Lapsley, M.A., Mr. A. Forbes Sieveking, F.S.A., and the Rev. Professor J. P. Whitney, D.D., D.C.L. The above-named were re-elected. Miss C. A. J. Skeel, D.Lit., was elected a Member of Council.

Professor H. K. Hannay, for Scotland, Mr. Herbert Wood, Deputy Keeper of the Dublin Archives, for Ireland, Professor J. E. Lloyd and Mr. John Ballinger, Librarian of the National Library for Wales, Aberystwyth, have been elected corresponding members.

A change in By-law II. was considered at a special meeting on January 13. The By-law now reads: "Every person desirous of admission into the Society as an Ordinary Fellow must make application to the Secretary on the form set out in Appendix I., A., and must secure recommendation from two Fellows on the forms set out in Appendix II., B. The forms of recommendation when executed must be sent direct to the Secretary by the proposer and seconder. The Secretary shall communicate the candidate's application form and the forms of recommendation to the Council at the next meeting at which elections are held. The Council also shall have the power to invite persons distinguished in historical studies to become Fellows."

In accordance with a requisition signed by the necessary number of Fellows an amendment to By-laws XVII. and XXV., dealing with the elections to the Council, was considered and carried on May 12. By-law XVII. now reads as follows: "The Vice-Presidents and Councillors respectively shall retire in the order of their seniority as determined by the Council Roll, not fewer than one-fourth of each class retiring at each Annual Meeting, and shall not be re-eligible before the Annual Meeting of the next year. Former Presidents of the Society who are acting Vice-Presidents shall not be reckoned among the Vice-Presidents retiring under this By-law."

By-law XXV. now reads: "The Council may call a Special Meeting of the Society whenever it shall be considered necessary, and shall convene a Special Meeting of the Society on a requisition to that effect being made by twenty Fellows, and such Meeting shall be held not later than the second Ordinary Meeting of the Society after the receipt of the requisition."

The Council have much pleasure in recording that the Rev. W. Hunt, D.Lit., formerly President, has been elected an Honorary Fellow of Trinity College, Oxford; and that Mr. Basil Williams, long a member of Council, has been appointed Professor of History at the McGill University, Montreal, Canada.

The Society has lost by death, Sir David Brynmor Jones, K.C.; the Rev. Prebendary Cecil Deedes, D.D.; Mr. Foster Palmer, M.R.C.S.; Mr. H. T. Gerrans; and Mr. W. Warde Fowler.

The Elections have reached the gratifying number of ninety-three, including many distinguished names among the members of the Anglo-American Conference of Historical Professors held to inaugurate the opening of the London University Institute of Historical Research.

Eight new subscribing libraries have been admitted to the Society. Owing to the increase in the cost of printing and issuing the publications, the Society have been obliged to raise the subscription of the Libraries from One Pound to Thirty Shillings.

On July 13 the Society held a Reception for the Members of the Conference and their friends, on which occasion the garden of Russell Square was thrown open to our guests by the courtesy of the Square Committee.

The Society has presented as complete a series of the publications as could be made to the library of the new Institute of Historical Research.

The Society joined with other learned bodies in presenting Memorials to the Public Record Office, the British Museum, and the Guildhall Library, praying for an extension of the hours of opening for students. The replies, which were not encouraging, dwelt upon the undoubted difficulty of the longer hours for the attendants, and the need of higher pay which is not easily provided.

Two Meetings have been held between Members of the Councils of the Society and of the Historical Association, which arranged for the use of the Society's Library by Members of the Association for reading on the premises, but not for taking books out of the house.

The Library has increased by the usual exchanges, and by gifts. Among the donors of books, Sir George Prothero, as before, is our chief benefactor, and we tender to him the most cordial thanks for his continued generosity. Among others, whom we

thank collectively, we may mention Sir Harry Poland, K.C., as donor of the "New Examen," by John Paget, a now rather scarce criticism upon certain points in Macaulay's history.

A committee appointed to consider the possibility of printing the official instructions given to British Ministers abroad, elucidated as far as practicable by selections from the Ministers' dispatches, having reported favourably, the Publications Committee has arranged for the publication of a volume of Instructions and Dispatches illustrating the diplomatic relations between England and Sweden from 1689 to 1727, edited by Mr. J. F. Chance, who has generously provided the transcripts. The Council hope that other volumes may be published in succession for Denmark, Poland, and Russia ; Holland, the German Empire and States, France, Spain and Portugal, and the Italian States ; but the issue of such a series must necessarily depend on the cost of production in relation to the revenue of the Society. The importance of these texts for the intelligent and fruitful study of the diplomatic history of this country will be obvious, and the success of this new enterprise of the Society can be largely ensured by the individual interest of the Fellows.

The following Papers were read in the course of the Session 1920–1921 :—

"Family, Court and State Archives at Vienna." Communicated by Professor Dr. J. Redlich. (October 26, 1920.)

"The Status of Villain and other Tenants in Danish East Anglia in Pre-Conquest Times." By the Rev. W. Hudson, M.A., F.S.A. (November 11, 1920.)

"The Norse Settlement in the British Isles." By Professor Dr. Alexander Bugge. (December 9, 1920.)

"Notes on certain old Ecclesiastical Records." By F. W. X. Fincham. (January 13, 1921.)

"Illustrations of the Mediæval Municipal History of London from the Guildhall Records." By A. H. Thomas, M.A. (March 10, 1921.)

"The English Forest in the Thirteenth Century." By Miss M. L. Bazeley, M.A. (April 14, 1921.)

"The Council of the West." By Miss C. A. J. Skeel, D.Lit., F.R.Hist.S. (May 12, 1921.)

"Notes on the Diplomatic Relations between England and Sweden, 1689–1727." By J. F. Chance, M.A., F.R.Hist.S. (June 9, 1921.)

At the Annual Meeting on February 10, 1921, the President, Professor Sir C. W. C. Oman, M.P., delivered an address on "Some Mediæval Conceptions of Ancient History." The Alexander Medal was not awarded.

These Papers, with the exception of that by Mr. Chance,

which will appear in an amended form as an introduction to his forthcoming volume, are printed in *Transactions*, Fourth Series, Vol. IV. In addition to the above volume of *Transactions*, the following volumes of *Publications* have been issued: Camden, Third Series, Vol. XXXI., The "Nicholas Papers," Vol. IV., edited by Sir G. F. Warner, D.Lit., F.B.A., and "A Repertory of British Archives," Part I., "England," by Hubert Hall, Litt.D., F.S.A., assisted by Research Students of the University of London. It will be seen that the title contemplates the issue of a further volume dealing with the Archives of Scotland, Ireland, Wales, and the Dominions or Colonies of the British Empire.

The following volumes of the Camden Series are now in the press: No. XXXIII., "The Secret Service of George III., 1763–1784," edited by Professor W. A. Laprade; No. XXXII., Diplomatic Series, No. I. (Sweden, 1689–1727).

The Secretary reports that the total membership of the Society on October 31, 1921, including Honorary, Corresponding, Life and Ordinary Fellows, and Subscribing Libraries was 940. Of this number 11 were Honorary, 26 were Corresponding members, and 98 Life Fellows. The annual subscriptions are received from Ordinary Fellows paying £1 1*s*. under the old regulations; former members of the old Camden Society and Subscribing Libraries paying £1, and Fellows paying the statutory subscription, £2 2*s*. There are 58 British and Foreign Societies which exchange *Transactions* with the Royal Historical Society.

The Treasurer reports that the Expenditure of the year exceeded the Income by £156 19*s*. This is due to the fact that the cost of printing, rates and taxes, salaries and wages, has again increased. It is hoped that prices have now passed their maximum, and that with care and economy expenses under some of these heads may be kept within the limits of the Society's means. Moreover, the increase in the membership and the higher subscription to be paid in future by libraries and institutions will, it is expected, more than make good the deficit now shown. It may therefore be said that the financial position of the Society is sound and improving. It should be borne in mind that the deficit (which is the first for some years) includes some accounts of past years for publications, which have now been liquidated to October 31 (the date of the Balance Sheet). The item for Sundries includes a considerable sum for necessary painting and repairs. The value of the Society's investments (omitting the Russian Bond) was written down last year to £1542, but it is

satisfactory to note that at current rates the actual value has risen to £1595. No alteration in the value has yet been made, and it is therefore entered at the same figure, £1542, for purposes of account. The Russian Bond is again taken as having no value at the present time.

The Auditors report that they have examined the statement of Income and Expenditure, together with the Balance Sheet appended to this Report, and have certified the same to be correct from their inspection of the books and vouchers (including the certificates of investments).

Since the printing of this Report the Council have received with great regret the news of the death of Colonel Lloyd, for many years a most useful member of the Council, and a distinguished historical scholar.

ROYAL HISTORICAL SOCIETY.

1.—Income and Expenditure Account relating to the Year ending October 31, 1921.

Income.			£ s. d.
Subscriptions of 1917: 1 at 42s.	£2 2 0		
„ 1919: 1 at 42s.	2 2 0		
„ 1920: 5 at 20s.	5 0 0		
„ „ : 14 at 42s.	29 8 0		
		£38 12 0	
Less amount estimated to be received in last year's accounts for subscriptions in arrear		20 0 0	
Subscriptions in arrear, received in excess of estimate			18 12 0
Subscriptions now in arrear estimated to be received			20 0 0
Subscriptions of 1921: 206 at 20s.		206 0 0	
„ „ 19 at 21s.		19 19 0	
„ „ 511 at 42s.		1073 2 0	
			1299 1 0
Life subscriptions: 11 at £21		231 0 0	
Less proportion required by By-Law IX. to be invested (see Balance-sheet)		154 0 0	
			77 0 0
Dividends on Russian 4% Bond (Alexander Trust)			0 0 0
„ Consols			12 5 0
„ India 3½% Stock			22 1 0
„ Canada 3½% Stock			8 8 0
„ War Stock 5%			22 10 0
„ War Bonds 4%			6 0 0
Interest on Deposit Account at Bank			26 17 1
British Archæological Association			30 0 0
Historical Association			10 10 0
Royal Numismatic Society			50 0 0
Japan Society			105 0 0
Sundry small receipts			9 5 0
			£1717 9 1
Balance, being excess of Expenditure over Income for the year ending October 31, 1921, carried to Balance-sheet			156 19 0
			£1874 8 1

Expenditure.			£ s. d.
Publications: Printing and Distributing	£829 5 10		
Editing and Indexing	14 14 0		
	£843 19 10		
Less received from Sales	45 12 5		
			798 7 5
Salaries of Director and Assistant Secretary and travelling expenses of Hon. Secretary	£367 17 9		
Wages	113 0 9		
			480 18 6
Rent of Premises, 22 Russell Square			170 0 0
Coal			13 10 0
Electric Light, Gas, etc.			11 4 9
Rates (Parochial, etc., and Taxes)			163 5 1
General Printing and Stationery			79 4 2
Library: Books, Periodicals, and Binding			37 11 9
Postages, etc.			38 7 8
Sundries (Petty Cash payments) including Painting and Repairs			57 0 8
Insurance (Fire, National Health)			9 14 10
Monthly Meetings (cost of Refreshments)			15 3 3
			£1874 8 1

ROYAL HISTORICAL SOCIETY.

II.—Balance-sheet of Liabilities and Assets at October 31, 1921,

Liabilities.				£	s.	d.
Life subscriptions required to be invested as Capital Account (By-Law IX.): amount brought forward from last Balance-sheet	£1682	0	0			
Proportion of Life subscriptions received in 1921 (see Income and Expenditure Account)	154	0	0			
				1836	0	0
[Represented by Consols, India 3½% Stock, Canada 3½% Stock, War Stock 5%, War Bonds 4%, and Cash on Deposit—see *contra*.]						
Alexander Trust Fund [Russian 4% Bond—see *contra*]				0	0	0
Subscriptions received in advance				75	8	0
Balance, being surplus of Assets over Liabilities at date, viz., Amount brought forward from last year	£2327	2	1			
Less Excess of Expenditure over Income as shown by Income and Expenditure Account	156	19	0			
	£2170	3	1	2170	3	1
				£4081	11	1

Assets.				£	s.	d.
Consols 2½%, £699 9s. 9d. valued at	£314	0	0			
India 3½% Stock, £900 valued at	500	0	0			
Canada 3½% Stock, £300 valued at	200	0	0			
Russian 4% Bond (see *contra*) cost £98 17s. 6d.	0	0	0			
War Stock 5%, £450 valued at	380	0	0			
War Bonds 4%, £150 valued at	148	0	0			
				1542	0	0
[The current market value of the above investments, omitting the Russian Bond, is £1595.]						
Cash at Bank: Current Account	£207	15	11			
„ Deposit „	311	13	2			
Petty Cash Balance in hand	0	2	0			
				519	11	1
Stock of Publications at Russell Square (value as insured)				100	0	0
Stock of Publications with Printer (value as insured)				500	0	0
Library (value as insured)				1000	0	0
„ Manuscripts (value as insured)				100	0	0
Furniture, etc. „ „				300	0	0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)				20	0	0
				£4081	11	1

(*Signed*) Henry R. Tedder, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct.

(*Signed*) A. Forbes Sieveking,
Charles Johnson,
Wm. Page,
} *Auditors.*

December 5, 1921.

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(INCORPORATED BY ROYAL CHARTER.)

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Names of Officers and Members of Council are printed in SMALL CAPITALS.
*Those marked * have compounded for their Annual Subscriptions.*

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